

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 665
93RD GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, May 11, 2005, with recommendation that the Senate Committee Substitute do pass.

1811S.04C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 71.620, 256.468, 324.010, 327.011, 327.111, 327.201, 327.291, 327.191, 327.441, 327.633, 328.010, 328.020, 328.030, 328.040, 328.050, 328.060, 328.070, 328.075, 328.080, 328.085, 328.090, 328.110, 328.115, 328.120, 328.130, 328.160, 329.010, 329.035, 329.045, 329.050, 329.060, 329.070, 329.090, 329.100, 329.110, 329.120, 329.130, 329.170, 329.180, 329.190, 329.191, 329.200, 329.210, 329.220, 329.230, 329.240, 329.250, 329.260, 329.265, 334.103, 334.735, 335.068, 337.500, 337.505, 337.507, 337.510, 337.515, 337.520, 337.525, 337.530, 337.535, 337.600, 337.603, 337.615, 337.618, 337.653, 337.700, 337.703, 337.706, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733, 337.736, 337.739, 338.095, 344.040, 374.710, 374.730, 374.783, 374.786, 436.218, and 621.045, RSMo, and to enact in lieu thereof one hundred twenty-two new sections relating to regulation of professional licensees, with penalty provisions and an effective date for certain sections.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 71.620, 256.468, 324.010, 327.011, 327.111, 327.201, 327.291, 2 327.191, 327.441, 327.633, 328.010, 328.020, 328.030, 328.040, 328.050, 328.060, 328.070, 3 328.075, 328.080, 328.085, 328.090, 328.110, 328.115, 328.120, 328.130, 328.160, 329.010, 4 329.035, 329.045, 329.050, 329.060, 329.070, 329.090, 329.100, 329.110, 329.120, 329.130, 5 329.170, 329.180, 329.190, 329.191, 329.200, 329.210, 329.220, 329.230, 329.240, 329.250, 6 329.260, 329.265, 334.103, 334.735, 335.068, 337.500, 337.505, 337.507, 337.510, 337.515, 7 337.520, 337.525, 337.530, 337.535, 337.600, 337.603, 337.615, 337.618, 337.653, 337.700, 8 337.703, 337.706, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733, 337.736, 337.739, 9 338.095, 344.040, 374.710, 374.730, 374.783, 374.786, 436.218, and 621.045, RSMo, are

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

10 repealed and one hundred twenty-two new sections enacted in lieu thereof, to be known
11 as sections 71.620, 143.775, 143.777, 143.778, 143.779, 256.468, 324.1100, 324.1102,
12 324.1104, 324.1106, 324.1108, 324.1110, 324.1112, 324.1114, 324.1116, 324.1118,
13 324.1120, 324.1122, 324.1124, 324.1126, 324.1128, 324.1130, 324.1132, 324.1134,
14 324.1136, 324.1138, 324.1140, 324.1142, 324.1144, 324.1146, 324.1148, 327.011, 327.076,
15 327.077, 327.078, 327.191, 327.441, 328.010, 328.015, 328.020, 328.070, 328.075, 328.080,
16 328.085, 328.090, 328.110, 328.115, 328.120, 328.130, 328.160, 329.010, 329.015, 329.023,
17 329.025, 329.028, 329.035, 329.045, 329.050, 329.060, 329.070, 329.090, 329.100, 329.110,
18 329.120, 329.130, 329.265, 332.302, 332.303, 332.304, 332.305, 332.312, 334.103, 334.735,
19 334.1000, 334.1003, 334.1006, 334.1009, 334.1012, 334.1015, 334.1018, 334.1021,
20 334.1024, 335.068, 337.500, 337.505, 337.507, 337.510, 337.515, 337.520, 337.525,
21 337.530, 337.543, 337.550, 337.555, 337.565, 337.600, 337.603, 337.615, 337.618, 337.653,
22 337.700, 337.703, 337.706, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733, 337.736,
23 338.095, 338.380, 338.560, 344.040, 374.710, 374.730, 374.783, 374.786, 436.218,
24 620.1900, 621.045, and 1, to read as follows:

71.620. 1. Hereafter no person following for a livelihood the profession or calling
2 of minister of the gospel, duly accredited Christian Science practitioner, teacher,
3 professor in a college, priest, lawyer, certified public accountant, **veterinarian**, dentist,
4 chiropractor, optometrist, chiropodist, physician or surgeon in this state shall be taxed
5 or made liable to pay any municipal or other corporation tax or license fee of any
6 description whatever for the privilege of following or carrying on such profession or
7 calling, and, after December 31, 2003, no investment funds service corporation, as
8 defined in section 143.451, RSMo, may be required to pay, or shall be taxed or made
9 liable to pay any municipal or other corporation tax or license fee of any description
10 whatever for the privilege of following or carrying on its business or occupation, in excess
11 of or in an aggregate amount exceeding twenty-five thousand dollars annually, any law,
12 ordinance or charter to the contrary notwithstanding.

13 2. No person following for a livelihood the profession of insurance agent or
14 broker, [veterinarian,] architect, professional engineer, land surveyor, auctioneer, or real
15 estate broker or salesman in this state shall be taxed or made liable to pay any
16 municipal or other corporation tax or license fee for the privilege of following or carrying
17 on his or her profession by a municipality unless that person maintains a business office
18 within that municipality.

19 3. Notwithstanding any other provision of law to the contrary, after September
20 1, 2004, no village with less than one thousand three hundred inhabitants shall impose
21 a business license tax in excess of fifteen thousand dollars per license.

143.775. As used in sections 143.775 to 143.779, the following terms
2 mean:

3 (1) "Director", the director of revenue;

4 (2) "License", a license, certificate, registration, or authorization issued
5 by a licensing authority under sections 209.319 to 209.339, RSMo, sections
6 256.010 to 256.453, RSMo, section 375.014, RSMo, and chapters 324 to 340,
7 RSMo, and chapters 344 to 346, RSMo, granting a natural person a right or
8 privilege to engage in an occupation or profession that is subject to
9 suspension, revocation, forfeiture, or termination by the licensing
10 authority. Any new requirement to license a profession assigned to the
11 division of professional registration after the effective date of this section
12 shall be included in the definition of a license;

13 (3) "Licensee", any person who holds a license;

14 (4) "Licensing authority", any department, division, board, agency, or
15 instrumentality of this state that issues a license under sections 209.319 to
16 209.339, RSMo, sections 256.010 to 256.453, RSMo, section 375.014, RSMo, and
17 chapters 324 to 340, RSMo, and chapters 344 to 346, RSMo. Any board or
18 commission assigned to the division of professional registration after the
19 effective date of this section shall be included in the definition of a licensing
20 authority;

21 (5) "Payment plan", a written plan signed by the taxpayer and approved
22 by the director that incorporates an arrangement for periodic payment of
23 state taxes owed;

24 (6) "Tax compliance letter", a letter issued by the director that states
25 the taxpayer is in compliance for all of the tax years in which the taxpayer
26 was determined to be delinquent in payment of state taxes or the filing of tax
27 returns.

143.777. 1. The director shall send, via first class mail, a notice to any
2 taxpayer who is the subject of the transmission of data from the licensing
3 authority to the director under section 143.779 and who is delinquent on any
4 state taxes or has failed to file state income tax returns for any of the three
5 years immediately preceding the license renewal. The notice shall state that
6 the taxpayer's license shall be suspended one hundred twenty days from the
7 date of the notice unless, within such time, the taxpayer presents to the
8 appropriate licensing authority a tax compliance letter.

9 2. The notice shall include the following information:

10 (1) A statement that the taxpayer is delinquent in payment of state

11 taxes owed or has failed to file state income tax returns;

12 (2) The date that the suspension shall go into effect, which shall be one
13 hundred twenty days from the date the notice was issued;

14 (3) A conspicuous statement as follows: "NOTICE TO TAXPAYER: IN
15 ORDER TO PREVENT YOUR LICENSE SUSPENSION FROM GOING INTO
16 EFFECT, YOU ARE RESPONSIBLE FOR PRESENTING A TAX COMPLIANCE
17 LETTER FROM THE MISSOURI DEPARTMENT OF REVENUE TO YOUR
18 LICENSING ENTITY PRIOR TO THE DATE OF SUSPENSION CITED IN THIS
19 NOTICE.";

20 (4) A conspicuous statement as follows: "NOTICE TO TAXPAYER: YOU
21 ARE ENTITLED TO A REVIEW OF THE NOTIFICATION PROCESS WITH THE
22 DIRECTOR OF REVENUE. ANY REQUEST FOR REVIEW MUST BE FILED IN
23 WRITING WITHIN FIFTY (50) DAYS FROM THE DATE OF THIS NOTICE AT
24 THE FOLLOWING ADDRESS: (INSERT ADDRESS).";

25 (5) A conspicuous statement as follows: "NOTICE TO TAXPAYER: IF
26 YOU DO NOT OBTAIN A TAX COMPLIANCE LETTER OR SEEK REVIEW
27 UNDER SECTION 143.778, RSMo, YOUR LICENSE SHALL BE SUSPENDED BY
28 OPERATION OF LAW EFFECTIVE THE DATE OF SUSPENSION CITED IN
29 THIS NOTICE.".

30 3. A tax compliance letter shall be issued by the director to the
31 taxpayer if the taxpayer:

32 (1) Files any delinquent state tax return and pays the entire amount of
33 delinquent state taxes, interest, and additions due; or

34 (2) Enters into and complies with a payment plan. If the taxpayer fails
35 to comply with the terms of a payment plan, the director may issue a notice
36 informing the taxpayer that the license shall be suspended by operation of
37 law as of the date of the notice.

38 4. The notice required under subsection 1 of this section shall be sent
39 to the last known address supplied to the director unless no such address has
40 been provided, whereupon the notice shall be sent to the last known address
41 supplied to the licensing authority.

42 5. The notice shall apply only to the license that is the subject of the
43 transmission of data from the licensing authority to the director under
44 section 143.779.

45 6. Within thirty days of the date of the notice required under
46 subsection 1 of this section, the licensing authority shall send a letter to the
47 taxpayer indicating that the license is subject to automatic suspension by

48 operation of law as of the date provided in the notice required under
49 subsection 1 of this section, unless the taxpayer provides the licensing
50 authority a copy of a tax compliance letter by the date provided in the notice
51 required under subsection 1 of this section.

143.778. 1. Within fifty days of the date of the notice, the taxpayer may
2 file with the director at the address provided in the notice, a written request
3 for review of the notice required under subsection 1 of section 143.777, stating
4 the grounds upon which the taxpayer claims the notice was not proper.

5 2. Upon timely receipt of a request for review from a taxpayer, the
6 director shall review the notice and mail the director's determination to the
7 taxpayer by certified or registered mail within thirty days of receipt of the
8 request. Such determination shall set forth briefly the director's findings of
9 fact, and the basis of the decision and information regarding the taxpayer's
10 right to appeal.

11 3. The issues that may be determined in a review under this section
12 shall be limited to:

13 (1) The identity of the taxpayer;

14 (2) Whether the director has properly applied any credits or payments
15 by the taxpayer; and

16 (3) Whether the director sent the notice to the proper address under
17 subsection 4 of section 143.777.

18 4. The determination of the director, after a review under this section,
19 shall be a final agency decision and shall be subject to appeal to the
20 administrative hearing commission under chapter 621, RSMo.

21 5. A taxpayer shall appeal under chapter 621, RSMo, by filing a petition
22 within thirty days of the date of the director's determination.

23 6. Suspension of a taxpayer's license shall be automatically stayed
24 pending the appeal under chapter 621, RSMo.

25 7. A determination made by the director under this section is
26 independent of any action imposed by the licensing authority.

143.779. 1. All state licensing authorities subject to sections 143.775 to
2 143.779 shall provide specified information, in a format agreed upon by the
3 director and the licensing authorities, to the director within thirty days
4 following the date of the receipt of an application for licensure or at least
5 thirty days after the required renewal date of a licensee's license. Such
6 information shall include, but is not limited to, the following:

7 (1) Name;

- 8 **(2) Address of record;**
9 **(3) Social Security number;**
10 **(4) Type of license.**

11 **2. For licensees who are not residents of this state, the licensing**
12 **authority shall include in the application and renewal forms a method**
13 **allowing the nonresident licensee to indicate that they received no Missouri**
14 **source income within the applicable three-year period. The licensing**
15 **authority shall transmit this information to the director in a mutually agreed**
16 **upon manner.**

17 **3. The director shall promulgate rules necessary for the administration**
18 **of sections 143.775 to 143.779. Any rule or portion of a rule, as that term is**
19 **defined in section 536.010, RSMo, that is created under the authority**
20 **delegated in this section shall become effective only if it complies with and**
21 **is subject to all of the provisions of chapter 536, RSMo, and, if applicable,**
22 **section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
23 **and if any of the powers vested with the general assembly pursuant to**
24 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
25 **annul a rule are subsequently held unconstitutional, then the grant of**
26 **rulemaking authority and any rule proposed or adopted after August 28, 2005,**
27 **shall be invalid and void.**

256.468. 1. An applicant for certification as a registered geologist shall complete
2 and sign a personal data form, prescribed and furnished by the board, and shall provide
3 the appropriate application fee. The personal data of an individual shall be considered
4 confidential information.

5 2. The applicant shall have graduated from a course of study satisfactory to the
6 board and which includes at least thirty semester or forty-five quarter hours of credit in
7 geology.

8 3. The applicant shall provide to the board a detailed summary of actual geologic
9 work, documenting that the applicant meets the minimum requirements for registration
10 as a geologist, including a demonstration that the applicant has at least three years of
11 postbaccalaureate experience in the practice of geology.

12 4. Except as provided in this section, no applicant shall be certified unless he **or**
13 **she** shall have passed an examination covering the fundamentals, principles and
14 practices of geology prescribed or accepted by the board.

15 5. [The examination requirement of subsection 4 of this section shall be waived
16 for those persons who were practicing geology on August 28, 1994, provided that

17 application is made on or before October 1, 1995, and all applicable fees have been paid. All
18 other requirements of sections 256.450 to 256.483 must be satisfied.

19 6. The examination requirement of subsection 4 of this section and the course of
20 study requirement of subsection 2 of this section shall be waived for persons who meet
21 the following conditions:

22 (1) Are licensed professional engineers in accordance with the provisions of
23 sections 327.181 to 327.261, RSMo;

24 (2) Has provided the board a summary of the actual geologic work demonstrating
25 that the applicant has at least ten years of competent postbaccalaureate experience in
26 the practice of geology;

27 (3) Have made timely application and paid the applicable fees as provided in
28 subsection 5 of this section; and

29 (4) Had their application denied by the board solely for failure to meet the course
30 of study requirements as provided in subsection 2 of this section.

31 7.] Any person, upon application to the board and demonstration that the person
32 meets the requirements of subsections 1 and 2 of this section and has passed that
33 portion of the professional examination covering the fundamentals of geology, shall be
34 awarded the geologist-registrant in-training certificate. The geologist then may use the
35 title "geologist-registrant in-training" subject to the limitations of sections 256.450 to
36 256.483.

37 [8.] 6. The board shall deny registration to an applicant who fails to satisfy the
38 requirements of this section. The board shall not issue a certificate of registration
39 pending the disposition in this or another state of any complaint alleging a violation of
40 this chapter or the laws, rules, regulations and code of professional conduct applicable
41 to registered geologists and regulated geologic work of which violation the board has
42 notice. An applicant who is denied registration shall be notified in writing within thirty
43 days of the board's decision and the notice shall state the reason for denial of
44 registration. Any person aggrieved by a final decision of the board on an application for
45 registration may appeal that decision to the administrative hearing commission in the
46 manner provided in section 621.120, RSMo.

47 [9.] 7. The board shall issue an appropriate certificate evidencing the issuance
48 of the certificate of registration upon payment of the applicable registration fee to any
49 applicant who has satisfactorily met all the requirements of this section for registration
50 as a geologist. Such certificate shall show the full name of the registrant, shall have a
51 serial number, and shall be dated and signed by an appropriate officer of the board
52 under the seal of the board.

53 [10.] 8. The certificate seal shall be prima facie evidence that the person named
54 therein is entitled to all rights and privileges of a registered geologist under sections
55 256.450 to 256.483 and to practice geology as an individual, firm or corporation while
56 such certificate remains unrevoked or unexpired.

57 [11.] 9. The board may issue a certificate of registration to any individual who
58 has made application and provided proof of certification of registration from another
59 state nongovernmental or governmental organization, or country, approved by the board,
60 provided that the registration or licensing requirements are substantially similar to the
61 requirements of this section and the necessary fees have been paid. The board may
62 require, by examination or other procedures, demonstration of competency pertaining to
63 geologic conditions in Missouri.

64 [12.] 10. The board shall reissue the certificate of registration of any registrant
65 who, before the expiration date of the certificate and within a period of time and
66 procedures established by the board, submits the required renewal application and fee.

67 [13.] 11. The board, by rule, may establish conditions and fees for the reissuing
68 of certificates of registration which have lapsed, expired, or have been suspended or
69 revoked.

70 [14.] 12. Registered geologists may purchase from the board, or other approved
71 sources, a seal bearing the registered geologist's name, registration number, and the
72 legend "Registered Geologist".

**324.1100. As used in sections 324.1100 to 324.1148, the following terms
2 mean:**

3 **(1) "Board", the board of private investigator examiners established in
4 section 324.1102;**

5 **(2) "Client", any person who engages the services of a private
6 investigator;**

7 **(3) "Department", the department of economic development;**

8 **(4) "Law enforcement officer", a law enforcement officer as defined in
9 section 556.061, RSMo;**

10 **(5) "Organization", a corporation, trust, estate, partnership,
11 cooperative, or association;**

12 **(6) "Person", an individual or organization;**

13 **(7) "Private investigator", any person who receives any consideration,
14 either directly or indirectly, for engaging in the private investigator business;**

15 **(8) "Private investigator agency", a person who regularly employs any
16 other person, other than an organization, to engage in the private**

17 investigator business;

18 (9) "Private investigator business", the furnishing of, making of, or
19 agreeing to make, any investigation for the purpose of obtaining information
20 pertaining to:

21 (a) Crimes or wrongs done or threatened against the United States or
22 any state or territory of the United States;

23 (b) The identity, habits, conduct, business, occupation, honesty,
24 integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity,
25 movement, whereabouts, affiliations, associations, transactions, acts,
26 reputation, or character of any person;

27 (c) The location, disposition, or recovery of lost or stolen property;

28 (d) Securing evidence to be used before any court, board, officer, or
29 investigating committee;

30 (e) Sale of personal identification information to the public; or

31 (f) The cause of responsibility for libel, losses, accident, or damage or
32 injury to persons or property or protection of life or property.

324.1102. 1. The "Board of Private Investigator Examiners" is hereby
2 created within the division of professional registration. The board shall be
3 a body corporate and may sue and be sued.

4 2. The board shall be composed of five members, including two voting
5 public members, appointed by the governor with the advice and consent of
6 the senate. Except for the public members, each member of the board shall
7 be a citizen of the United States, a resident of Missouri, at least thirty years
8 of age, and shall have been actively engaged in the private investigator
9 business for the previous five years. No more than one private investigator
10 board member may be employed by, or affiliated with, the same private
11 investigator agency. The initial private investigator board members shall not
12 be required to be licensed but shall obtain a license within one hundred
13 eighty days after the effective date of the rules promulgated pursuant to
14 sections 324.1100 to 324.1148 regarding licensure. The public members shall
15 each be a registered voter and a person who is not and never was a member
16 of any profession licensed or regulated pursuant to sections 324.1100 to
17 324.1148 or the spouse of such person; and a person who does not have and
18 never has had a material, financial interest in either the providing of the
19 professional services regulated by sections 324.1100 to 324.1148, or an activity
20 or organization directly related to any profession licensed or regulated under
21 sections 324.1100 to 324.1148. The duties of the public members shall not

22 include the determination of the technical requirements to be met for
23 licensure or whether any person meets such technical requirements or of the
24 technical competence or technical judgment of a licensee or a candidate for
25 licensure.

26 3. The members shall be appointed for terms of two years, except those
27 first appointed, in which case two members, who shall be private
28 investigators, shall be appointed for terms of four years, two members shall
29 be appointed for terms of three years, and one member shall be appointed for
30 a one-year term. Any vacancy on the board shall be filled for the unexpired
31 term of the member and in the manner as the first appointment. No member
32 may serve consecutive terms.

33 4. The members of the board may receive compensation, as determined
34 by the director for their services, if appropriate, and shall be reimbursed for
35 actual and necessary expenses incurred in performing their official duties on
36 the board.

37 5. There is hereby created in the state treasury the "Board of Private
38 Investigator Examiners Fund", hereafter the fund, which shall consist of
39 money collected pursuant to sections 324.1100 to 324.1148. The fund shall be
40 administered by the board of private investigator examiners, which shall
41 collect the fees authorized by sections 324.1100 to 324.1148 and transmit them
42 to the director of revenue for deposit to the state treasury to the credit of the
43 fund. Money in the fund shall be used solely for the purposes of the board of
44 private investigator examiners, as authorized by sections 324.1100 to 324.1148.

45 6. Notwithstanding the provisions of section 33.080, RSMo, no portion
46 of the fund shall be transferred to the general revenue fund, and any
47 appropriation made to the fund shall not lapse. The state treasurer shall
48 invest moneys in the fund in the same manner as other funds are
49 invested. Interest and moneys earned on such investments shall be credited
50 to the fund.

324.1104. Unless expressly exempted from the provisions of sections
2 324.1100 to 324.1148:

3 (1) It shall be unlawful for any person to engage in the private
4 investigator business in this state unless such person is licensed as a private
5 investigator pursuant to sections 324.1100 to 324.1148;

6 (2) It shall be unlawful for any person to engage in business in this
7 state as a private investigator agency unless such person is licensed pursuant
8 to sections 324.1100 to 324.1148.

324.1106. The following persons shall not be deemed to be engaging in
2 the private investigator business:

3 (1) A person employed exclusively and regularly by one employer in
4 connection only with the affairs of such employer and where there exists an
5 employer-employee relationship;

6 (2) Any officer or employee of the United States, or of this state or a
7 political subdivision thereof while engaged in the performance of the officer's
8 or employee's official duties;

9 (3) A consumer reporting agency as defined in 15 U.S.C. Section 1681(a)
10 and its contract and salaried employees;

11 (4) An attorney performing duties as an attorney, or an attorney's
12 paralegal or employee retained by such attorney assisting in the performance
13 of such duties or investigation on behalf of such attorney;

14 (5) A collection agency or an employee thereof while acting within the
15 scope of employment, while making an investigation incidental to the
16 business of the agency, including an investigation of the location of a debtor
17 or a debtor's property where the contract with an assignor creditor is for the
18 collection of claims owed or due, or asserted to be owed or due, or the
19 equivalent thereof;

20 (6) Insurers and insurance producers licensed by the state, performing
21 duties in connection with insurance transacted by them;

22 (7) Any bank subject to the jurisdiction of the director of the division
23 of finance of the state of Missouri or the comptroller of currency of the United
24 States;

25 (8) An insurance adjuster. For the purposes of sections 324.1100 to
26 324.1148, an "insurance adjuster" means any person who receives any
27 consideration, either directly or indirectly, for adjusting in the disposal of
28 any claim under or in connection with a policy of insurance or engaging in
29 soliciting insurance adjustment business;

30 (9) Any private fire investigator whose primary purpose of employment
31 is the determination of the origin, nature, cause, or calculation of losses
32 relevant to a fire;

33 (10) Employees of a not-for-profit organization or its affiliate or
34 subsidiary who makes and processes requests on behalf of health care
35 providers and facilities for employee criminal and other background
36 information pursuant to section 660.317, RSMo;

37 (11) Any real estate broker, real estate salesperson, or real estate

38 appraiser acting within the scope of his or her license;

39 (12) Expert witnesses who have been certified or accredited from a
40 national or state association associated with the expert's scope of expertise;

41 (13) Any person who does not hold themselves out to the public as a
42 private investigator but is under contract with a state agency or political
43 subdivision; or

44 (14) Any person performing such duties or investigation on behalf of
45 serving legal process and such person's investigation is incidental to the
46 serving of legal process.

324.1108. 1. Every person desiring to be licensed in this state as a
2 private investigator or private investigator agency shall make application
3 therefor to the board of private investigator examiners. An application for
4 a license pursuant to the provisions of sections 324.1100 to 324.1148 shall be
5 on a form prescribed by the board of private investigator examiners and
6 accompanied by the required application fee. An application shall be verified
7 and shall include:

8 (1) The full name and business address of the applicant;

9 (2) The name under which the applicant intends to do business;

10 (3) A statement as to the general nature of the business in which the
11 applicant intends to engage;

12 (4) A statement as to the classification or classifications under which
13 the applicant desires to be qualified;

14 (5) Two recent photographs of the applicant, of a type prescribed by
15 the board of private investigator examiners, and two classifiable sets of the
16 applicant's fingerprints;

17 (6) A verified statement of the applicant's experience qualifications;
18 and

19 (7) Such other information, evidence, statements, or documents as may
20 be required by the board of private investigator examiners.

21 2. Before an application for a license may be granted, the applicant
22 shall:

23 (1) Be at least twenty-one years of age;

24 (2) Be a citizen of the United States;

25 (3) Provide proof of insurance with amount to be no less than two
26 hundred fifty thousand dollars in coverage for liability and proof of workers'
27 compensation insurance if required in chapter 287, RSMo. The board shall
28 have the authority to raise the requirements as deemed necessary; and

29 **(4) Comply with such other qualifications as the board adopts by rules**
30 **and regulations.**

324.1110. 1. The board of private investigator examiners shall require
2 **as a condition of licensure as a private investigator that the applicant pass**
3 **a written examination as evidence of knowledge of investigator rules and**
4 **regulations.**

5 **2. The department shall conduct a complete investigation of the**
6 **background of each applicant for licensure as a private investigator to**
7 **determine whether the applicant is qualified for licensure pursuant to**
8 **sections 324.1100 to 324.1148. The board will outline basic qualification**
9 **requirements for licensing as a private investigator and agency.**

10 **3. In the event requirements have been met so that testing has been**
11 **waived, qualification is dependent on a showing of, for the two previous**
12 **years:**

13 **(1) Registration and good standing as a business in this state; and**

14 **(2) Two hundred fifty thousand dollars in business general liability**
15 **insurance.**

16 **4. The board may review applicants seeking reciprocity. An applicant**
17 **seeking reciprocity shall have undergone a licensing procedure similar to**
18 **that required by this state and shall meet this state's minimum insurance**
19 **requirements.**

324.1112. The board of private investigator examiners may deny a
2 **request for a license if the applicant:**

3 **(1) Has committed any act which, if committed by a licensee, would be**
4 **grounds for the suspension or revocation of a license pursuant to the**
5 **provisions of sections 324.1100 to 324.1148;**

6 **(2) Within two years prior to the application date:**

7 **(a) Has been convicted of or entered a plea of guilty or nolo contendere**
8 **to a felony offense, including the receiving of a suspended imposition of**
9 **sentence following a plea or finding of guilty to a felony offense;**

10 **(b) Has been convicted of or entered a plea of guilty or nolo contendere**
11 **to a misdemeanor offense involving moral turpitude;**

12 **(c) Has falsified or willfully misrepresented information in an**
13 **employment application, records of evidence, or in testimony under oath;**

14 **(d) Has been dependent on or abused alcohol or drugs; or**

15 **(e) Has used, possessed, or trafficked in any illegal substance;**

16 **(3) Been refused a license pursuant to the provisions of sections**

17 324.1100 to 324.1148 or had a license revoked in this state or in any other
18 state;

19 (4) While unlicensed, committed or aided and abetted the commission
20 of any act for which a license is required by sections 324.1100 to 324.1148
21 after the effective date of this section; or

22 (5) Knowingly made any false statement in the application.

324.1114. 1. Every application submitted pursuant to the provisions of
2 sections 324.1100 to 324.1148 shall be accompanied by a fee as determined by
3 the board as follows:

4 (1) For an individual license, agency license and employees being
5 licensed to work under an agency license; or

6 (2) If a license is issued for a period of less than one year, the fee shall
7 be prorated for the months, or fraction thereof, for which the license is
8 issued.

9 2. The board shall set fees as authorized by sections 324.1100 to
10 324.1148 at a level to produce revenue which will not substantially exceed the
11 cost and expense of administering sections 324.1100 to 324.1148.

12 3. The fees prescribed by sections 324.1100 to 324.1148 shall be
13 exclusive and notwithstanding any other provision of law. No municipality
14 may require any person licensed pursuant to sections 324.1100 to 324.1148 to
15 furnish any bond, pass any examination, or pay any license fee or
16 occupational tax relative to practicing the person's profession.

17 4. A private investigator license shall allow only the individual licensed
18 by the state to conduct investigations. An agency license shall be applied for
19 separately and held by an individual who is licensed as a private
20 investigator. The agency may hire individuals to work for the agency
21 conducting investigations for the agency only. Persons hired shall make
22 application as determined by the board and meet all requirements set forth
23 by the board except that they shall not be required to meet any experience
24 requirements and shall be allowed to begin working immediately upon the
25 agency submitting their applications.

324.1116. A private investigator agency shall not hire any individual as
2 an employee unless the individual:

3 (1) Is at least twenty-one years of age;

4 (2) Provides two recent photographs of themselves, of a type prescribed
5 by the board of private investigator examiners, and two classifiable sets of
6 their fingerprints; and

7 **(3) Complies with any other qualifications and requirements the board**
8 **adopts by rule.**

324.1118. A private investigator agency shall not hire an individual,
2 **who is not licensed as a private investigator, as an employee if the individual:**

3 **(1) Has committed any act which, if committed by a licensee, would be**
4 **grounds for the suspension or revocation of a license pursuant to the**
5 **provisions of sections 324.1100 to 324.1148;**

6 **(2) Within two years prior to the application date:**

7 **(a) Has been convicted of or entered a plea of guilty or nolo contendere**
8 **to a felony offense, including the receiving of a suspended imposition of**
9 **sentence following a plea or finding of guilty to a felony offense;**

10 **(b) Has been convicted of or entered a plea of guilty or nolo contendere**
11 **to a misdemeanor offense involving moral turpitude;**

12 **(c) Has falsified or willfully misrepresented information in an**
13 **employment application, records of evidence, or in testimony under oath;**

14 **(d) Has been dependent on or abused alcohol or drugs; or**

15 **(e) Has used, possessed, or trafficked in any illegal substance;**

16 **(3) Been refused a license pursuant to the provisions of sections**
17 **324.1100 to 324.1148 or had a license revoked in this state or in any other**
18 **state;**

19 **(4) While unlicensed, committed or aided and abetted the commission**
20 **of any act for which a license is required by sections 324.1100 to 324.1148**
21 **after the effective date of this section; or**

22 **(5) Knowingly made any false statement in the application.**

324.1120. An individual, who is not licensed as a private investigator,
2 **hired as an employee by a private investigator agency shall work only under**
3 **the direct supervision of the agency whose identification number appears on**
4 **their application and shall only work for one agency at any one time.**

324.1122. A licensee shall successfully complete sixteen hours of
2 **continuing education units biennially and an individual, who is not licensed**
3 **as a private investigator, who is hired as an employee by a private**
4 **investigator agency shall successfully complete eight hours of continuing**
5 **education units biennially. Such continuing education shall be relevant to**
6 **the private investigator business and shall be approved by the board as such.**

324.1124. 1. The board of private investigator examiners shall
2 **determine the form of the license which shall include the:**

3 **(1) Name of the licensee;**

4 **(2) Name under which the licensee is to operate; and**

5 **(3) Number and date of the license.**

6 **2. The license shall be posted at all times in a conspicuous place in the**
7 **principal place of business of the licensee. Upon the issuance of a license, a**
8 **pocket card of such size, design, and content as determined by the division**
9 **shall be issued without charge to each licensee. Such card shall be evidence**
10 **that the licensee is licensed pursuant to the provisions of sections 324.1100**
11 **to 324.1148. When any person to whom a card is issued terminates such**
12 **person's position, office, or association with the licensee, the card shall be**
13 **surrendered to the licensee and within five days thereafter shall be mailed**
14 **or delivered by the licensee to the board of private investigator examiners for**
15 **cancellation. Within thirty days after any change of address, a licensee shall**
16 **notify the board of the address change. The principal place of business may**
17 **be at a residence or at a business address, but it shall be the place at which**
18 **the licensee maintains a permanent office.**

324.1126. 1. Any license issued pursuant to sections 324.1100 to
2 **324.1148 shall expire two years after the date of its issuance. Renewal of any**
3 **such license shall be made in the manner prescribed for obtaining an original**
4 **license, including payment of the appropriate fee, except that:**

5 **(1) The application upon renewal need only provide information**
6 **required of original applicants if the information shown on the original**
7 **application or any renewal thereof on file with the board is no longer**
8 **accurate;**

9 **(2) A new photograph shall be submitted with the application for**
10 **renewal only if the photograph on file with the board has been on file more**
11 **than two years; and**

12 **(3) The applicant does not have to be tested again but must instead**
13 **provide proof that the applicant successfully completed sixteen hours of**
14 **continuing education credits; and**

15 **(4) Additional information may be required by rules and regulations**
16 **adopted by the board of private investigator examiners.**

17 **2. A licensee shall at all times be legally responsible for the good**
18 **conduct of each of the licensee's employees or agents while engaged in the**
19 **business of the licensee and the licensee is legally responsible for any acts**
20 **committed by such licensee's employees or agents which are in violation of**
21 **sections 324.1100 to 324.1148. A person receiving an agency license shall**
22 **directly manage the agency and employees.**

23 **3. A license issued pursuant to the provisions of sections 324.1100 to**
24 **324.1148 shall not be assignable.**

324.1128. 1. Any licensee may divulge to the board, any law
2 **enforcement officer, or prosecuting attorney, or such person's representative,**
3 **any information such person may acquire as to any criminal offense, or**
4 **instruct his or her client to do so if the client is the victim but such person**
5 **shall not divulge to any other person, except as he or she may be required by**
6 **law to do, any information acquired by such person at the direction of the**
7 **employer or client for whom the information was obtained.**

8 **2. No licensee or officer, director, partner, associate, or employee**
9 **thereof shall:**

10 **(1) Knowingly make any false report to his or her employer or client**
11 **for whom information was being obtained;**

12 **(2) Cause any written report to be submitted to a client except by the**
13 **licensee, and the person submitting the report shall exercise diligence in**
14 **ascertaining whether or not the facts and information in such report are true**
15 **and correct;**

16 **(3) Use a title, wear a uniform, use an insignia or an identification**
17 **card, or make any statement with the intent to give an impression that such**
18 **person is connected in any way with the federal government, a state**
19 **government, or any political subdivision of a state government;**

20 **(4) Appear as an assignee party in any proceeding involving claim and**
21 **delivery, replevin or other possessory action, action to foreclose a chattel**
22 **mortgage, mechanic's lien, materialman's lien, or any other lien;**

23 **(5) Manufacture false evidence; or**

24 **(6) Create any video recording of an individual in their domicile**
25 **without the individual's permission. Furthermore, if such video recording is**
26 **made, it shall not be admissible as evidence in any civil proceeding.**

324.1130. Each licensee shall maintain a record containing such
2 **information relative to the licensee's employees as may be prescribed by the**
3 **board of private investigator examiners. Such licensee shall file with the**
4 **board the complete address of the licensee's principal place of business**
5 **including the name and number of the street. The board may require the**
6 **filing of other information for the purpose of identifying such principal place**
7 **of business.**

324.1132. Every advertisement by a licensee soliciting or advertising
2 **business shall contain the licensee's name, city, and state as it appears in the**

3 records of the board of private investigator examiners. No individual or
4 business can advertise as a private investigator, private detective, or private
5 investigator agency without including their state private investigator or
6 private investigator agency license number in the advertisement. A licensee
7 shall not advertise or conduct business from any Missouri address other than
8 that shown on the records of the board as the licensee's principal place of
9 business unless the licensee has received an additional agency license for
10 such location after compliance with the provisions of sections 324.1100 to
11 324.1148 and such additional requirements necessary for the protection of the
12 public as the board may prescribe by regulation. A licensee shall notify the
13 board in writing within ten days after closing or changing the location of a
14 branch office. The fee for the additional license shall be one-half the cost of
15 the fee for the agencies original license.

324.1134. 1. The board of private investigator examiners may suspend
2 or revoke a license issued pursuant to sections 324.1100 to 324.1148 if, after
3 notice and opportunity for hearing in accordance with the provisions of
4 chapter 621, RSMo, the administrative hearing commission determines that
5 the licensee has:

6 (1) Made any false statement or given any false information in
7 connection with an application for a license or a renewal or reinstatement
8 thereof;

9 (2) Violated any provision of sections 324.1100 to 324.1148;

10 (3) Violated any rule of the board of private investigator examiners
11 adopted pursuant to the authority contained in sections 324.1100 to 324.1148;

12 (4) Impersonated, or permitted or aided and abetted an employee to
13 impersonate, a law enforcement officer or employee of the United States of
14 America, or of any state or political subdivision thereof;

15 (5) Committed, or permitted any employee to commit any act, while the
16 license was expired, which would be cause for the suspension or revocation
17 of a license, or grounds for the denial of an application for a license;

18 (6) Knowingly violated, or advised, encouraged, or assisted the
19 violation of, any court order or injunction in the course of business as a
20 licensee;

21 (7) Used any letterhead, advertisement, or other printed matter, or in
22 any manner whatever represented that such person is an instrumentality of
23 the federal government, a state, or any political subdivision thereof;

24 (8) Used a name different from that under which such person is

25 currently licensed in any advertisement, solicitation, or contract for business;
26 or

27 (9) Committed any act which is grounds for denial of an application for
28 a license pursuant to the provisions of section 324.1112.

29 2. The record of conviction, or a certified copy thereof, shall be
30 conclusive evidence of such conviction, and a plea or verdict of guilty is
31 deemed to be a conviction within the meaning thereof.

32 3. The agency may continue under the direction of another employee
33 if the individual holding the license is suspended or revoked as approved by
34 the board. The board shall establish a time frame in which the agency shall
35 identify an acceptable person who is qualified to assume control of the
36 agency, as required by the board.

37 4. After the filing of a complaint before the administrative hearing
38 commission, the proceedings shall be conducted in accordance with the
39 provisions of chapter 621, RSMo. Upon a finding by the administrative
40 hearing commission that the grounds in subsection 1 of this section for
41 disciplinary action are met, the board may singly or in combination censure
42 or place the person named in the complaint on probation pursuant to such
43 terms and conditions as the board deems appropriate for a period not to
44 exceed five years, may suspend for a period not to exceed three years, or
45 revoke the license.

324.1136. 1. Each private investigator or investigator agency operating
2 pursuant to the provisions of sections 324.1100 to 324.1148 shall be required
3 to keep a complete record of the business transactions of such investigator
4 or investigator agency for a period of seven years. Upon the service of a
5 court order issued by a court of competent jurisdiction or upon the service
6 of a subpoena issued by the board which is based on a complaint supported
7 by oath or affirmation, and particularly describing the records and reports,
8 any licensed private investigator who is the owner, partner, director,
9 corporate officer, or custodian of business records shall provide an
10 opportunity for the inspection of the same and to inspect reports made; but
11 any information obtained by the board shall be kept confidential, except as
12 may be necessary to commence and prosecute any legal proceedings. The
13 board shall not personally enter a licensee's place of business to inspect
14 records, but shall utilize an employee of the division of professional
15 registration to act as a gatherer of information and facts to present to the
16 board regarding any complaint or inspection they are looking into.

17 **2. For the purpose of enforcing the provisions of sections 324.1100 to**
18 **324.1148, and in making investigations relating to any violation thereof, the**
19 **board shall have the power to subpoena and bring before the board any**
20 **person in this state and require the production of any books, records, or**
21 **papers which the board deems relevant to the inquiry. The board also may**
22 **administer an oath to and take the testimony of any person, or cause such**
23 **person's deposition to be taken, except that any applicant or licensee or**
24 **officer, director, partner, or associate thereof shall not be entitled to any fees**
25 **or mileage. A subpoena issued pursuant to this section shall be governed by**
26 **the Missouri rules of civil procedure and shall comply with any**
27 **confidentiality standards or legal limitations imposed by privacy or open**
28 **records acts, fair credit reporting acts, polygraph acts, driver privacy**
29 **protection acts, judicially recognized privileged communications, and the bill**
30 **of rights of both the United States and Missouri Constitutions. Any person**
31 **duly subpoenaed, who fails to obey such subpoena without reasonable cause**
32 **or without such cause refuses to be examined or to answer any legal or**
33 **pertinent question as to the character or qualification of such applicant or**
34 **licensee or such applicant's alleged unlawful or deceptive practices and**
35 **methods or such violations, shall be guilty of a class A misdemeanor. The**
36 **testimony of witnesses in any investigative proceeding shall be under oath.**

324.1138. 1. The board shall adopt such rules and regulations as may
2 **be necessary to carry out the provisions of sections 324.1100 to 324.1148.**

3 **2. Any rule or portion of a rule, as that term is defined in section**
4 **536.010, RSMo, that is created under the authority delegated in sections**
5 **324.1100 to 324.1148 shall become effective only if it complies with and is**
6 **subject to all of the provisions of chapter 536, RSMo, and, if applicable,**
7 **section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
8 **and if any of the powers vested with the general assembly pursuant to**
9 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
10 **annul a rule are subsequently held unconstitutional, then the grant of**
11 **rulemaking authority and any rule proposed or adopted after August 28, 2005,**
12 **shall be invalid and void.**

324.1140. 1. The board of private investigator examiners shall certify
2 **persons who are qualified to train private investigators.**

3 **2. In order to be certified as a trainer pursuant to this section, a**
4 **trainer shall:**

5 **(1) Be twenty-one or more years of age;**

6 **(2) Have a minimum of one-year supervisory experience with a private**
7 **investigator agency; and**

8 **(3) Be personally licensed as a private investigator pursuant to sections**
9 **324.1100 to 324.1148 and qualified to train private investigators.**

10 **3. Persons wishing to become certified trainers shall make application**
11 **to the board of private investigator examiners on a form prescribed by the**
12 **board and accompanied by a fee determined by the board. The application**
13 **shall contain a statement of the plan of operation of the training offered by**
14 **the applicant and the materials and aids to be used and any other information**
15 **required by the board.**

16 **4. A certificate shall be granted to a trainer if the board finds that the**
17 **applicant:**

18 **(1) Meets the requirements of subsection 2 of this section;**

19 **(2) Has sufficient knowledge of private investigator business to be a**
20 **suitable person to train private investigators;**

21 **(3) Has supplied all required information to the board; and**

22 **(4) Has paid the required fee.**

23 **5. The certificate issued pursuant to this section shall expire on the**
24 **third year after the year in which it is issued and shall be renewable**
25 **triennially upon application and payment of a fee.**

324.1142. Any person who knowingly falsifies the fingerprints or
2 **photographs or other information required to be submitted pursuant to**
3 **sections 324.1100 to 324.1148 is guilty of a class D felony; and any person who**
4 **violates any of the other provisions of sections 324.1100 to 324.1148 is guilty**
5 **of a class A misdemeanor.**

324.1144. The board may negotiate and enter into reciprocal
2 **agreements with appropriate officials in other states to permit licensed**
3 **private investigator agencies and licensed private investigators who meet or**
4 **exceed the qualifications established in sections 324.1100 to 324.1148 to**
5 **operate across state lines under mutually acceptable terms.**

324.1146. Law enforcement officers who perform private investigations
2 **shall be licensed pursuant to this chapter subject to the following**
3 **qualifications and limitations:**

4 **(1) The board may waive testing for law enforcement officers currently**
5 **certified pursuant to then existing peace officer standards and training**
6 **requirements pursuant to chapter 590, RSMo;**

7 **(2) Law enforcement officers shall pay the appropriate licensing fees;**

8 **(3) Law enforcement officers shall assume individual liability for their**
9 **actions while performing private investigations, complying with any**
10 **insurance or bonding requirements imposed pursuant to sections 324.1100 to**
11 **324.1148;**

12 **(4) Law enforcement officers shall not utilize their official capacity in**
13 **the course of a private investigation, including but not limited to:**

14 **(a) Accessing information intended only for police officials. Law**
15 **enforcement officers shall comply with the legal limits on access to**
16 **information by a private citizen;**

17 **(b) Utilizing any official item, such as a uniform, badge, or vehicle,**
18 **while performing a private investigation. Law enforcement officers shall**
19 **provide their own equipment;**

20 **(c) Utilizing law enforcement officer arrest and use of force**
21 **standards. Law enforcement officers shall use private person arrest and use**
22 **of force standards while operating as a private investigator;**

23 **(5) Law enforcement officers shall produce evidence of training and**
24 **experience concerning the legal limits imposed on private investigations or**
25 **pass a test on such subject produced by the board; and**

26 **(6) The provisions of sections 324.1100 to 324.1148 shall not apply to**
27 **law enforcement officers who provide only private security services and not**
28 **private investigator services.**

324.1148. Any person who violates sections 324.1100 to 324.1148 is guilty
2 **of a class A misdemeanor. Any second or subsequent violation of sections**
3 **324.1100 to 324.1148 is a class D felony.**

 327.011. As used in this chapter, the following words and terms shall have the
2 meanings indicated:

3 (1) "Accredited degree program from a school of architecture", a degree from any
4 school or other institution which teaches architecture and whose curricula for the degree
5 in question have been, at the time in question, certified as accredited by the National
6 Architectural Accrediting Board;

7 (2) "Accredited school of landscape architecture", any school or other institution
8 which teaches landscape architecture and whose curricula on the subjects in question are
9 or have been at the times in question certified as accredited by the Landscape
10 Architecture Accreditation Board of the American Society of Landscape Architects;

11 (3) "Accredited school of engineering", any school or other institution which
12 teaches engineering and whose curricula on the subjects in question are or have been,
13 at the time in question certified as accredited by the engineering accreditation

14 commission of the accreditation board for engineering and technology or its successor
15 organization;

16 (4) "Architect", any person authorized pursuant to the provisions of this chapter
17 to practice architecture in Missouri, as the practice of architecture is defined in section
18 327.091;

19 (5) "Board", the Missouri board for architects, professional engineers, professional
20 land surveyors and landscape architects;

21 (6) "Corporation", any general business corporation, professional corporation or
22 limited liability company;

23 (7) "Department", the department of economic development;

24 (8) "Division", the division of professional registration in the department of
25 economic development;

26 (9) "Landscape architect", any person licensed pursuant to the provisions of
27 sections 327.600 to 327.635 who is qualified to practice landscape architecture by reason
28 of special knowledge and the use of biological, physical, mathematical and social sciences
29 and the principles and methods of analysis and design of the land, has demonstrated
30 knowledge and ability in such areas, and has been duly licensed as a landscape architect
31 by the board on the basis of professional education, examination and experience in
32 landscape architecture;

33 (10) **"Licensee", a person licensed to practice any profession regulated**
34 **under this chapter or a corporation authorized to practice any such**
35 **profession;**

36 (11) "Partnership", any partnership or limited liability partnership;

37 [(11)] (12) "Person", any person, corporation, firm, partnership, association or
38 other entity;

39 [(12)] (13) "Professional engineer", any person authorized pursuant to the
40 provisions of this chapter to practice as a professional engineer in Missouri, as the
41 practice of engineering is defined in section 327.181;

42 [(13)] (14) "Professional land surveyor", any person authorized pursuant to the
43 provisions of this chapter to practice as a professional land surveyor in Missouri as the
44 practice of land surveying is defined in section 327.272.

327.076. 1. Any person who practices architecture, engineering, land
2 **surveying, or landscape architecture, as defined in sections 327.011 to 327.635,**
3 **or who holds himself or herself out as able to practice such profession and**
4 **who is not the holder of a currently valid license or certificate of authority**
5 **in Missouri, and who is not exempt from holding such a license or certificate,**

6 is guilty of a class A misdemeanor.

7 2. The board may cause a complaint to be filed with the administrative
8 hearing commission, as provided in chapter 621, RSMo, against any
9 unlicensed person for any one or any combination of the following causes:

10 (1) Engages in or offers to render or engage in the practice of
11 architecture, professional engineering, land surveying, or landscape
12 architecture;

13 (2) Uses or employs titles defined and protected by this chapter, or
14 implies authorization to provide or offer professional services, or otherwise
15 uses or advertises any title, word, figure, sign, card, advertisement, or other
16 symbol or description tending to convey the impression that the person is
17 licensed or holds a certificate of authority to practice architecture,
18 professional engineering, land surveying, or landscape architecture;

19 (3) Presents or attempts to use another person's license, seal, or
20 certificate of authority as his or her own;

21 (4) Attempts to use an expired, suspended, revoked, or nonexistent
22 license or certificate of authority;

23 (5) Gives false or forged evidence of any kind to the board or any
24 member of the board in obtaining or attempting to obtain a certificate of
25 licensure in this state or any other state or jurisdiction;

26 (6) Knowingly aids or abets an unlicensed or unauthorized person who
27 engages in any prohibited activity identified in this subsection;

28 (7) Violates any provision of the code of professional conduct or other
29 rule adopted by the board;

30 (8) Violates any provision of subsection 2 of section 327.441.

31 3. When reviewing complaints against unlicensed persons, the board
32 may initiate an investigation and take all measures necessary to find the facts
33 of any potential violation, including issuing subpoenas to compel the
34 attendance and testimony of witnesses and the disclosure of evidence, and
35 may request the attorney general to bring an action to enforce the subpoena.

36 4. After the filing of such complaint, the proceedings shall be
37 conducted in accordance with the provisions of chapter 621, RSMo. Upon a
38 finding by the administrative hearing commission that the grounds provided
39 in subsection 2 of this section for disciplinary action are met, the board may,
40 either singularly or in combination with other provisions of this chapter,
41 impose a civil penalty as provided for in section 327.077 against the person
42 named in the complaint.

327.077. 1. In disciplinary actions against licensed or unlicensed
2 persons, the board may issue an order imposing a civil penalty.

3 2. A civil penalty imposed under this section shall not exceed five
4 thousand dollars for each offense. Each day of a continued violation
5 constitutes a separate offense, with a maximum penalty of twenty-five
6 thousand dollars. In determining the amount of penalty to be imposed, the
7 board may consider any of the following:

8 (1) Whether the amount imposed will be a substantial deterrent to the
9 violation;

10 (2) The circumstances leading to the violation;

11 (3) The severity of the violation and the risk of harm to the public;

12 (4) The economic benefits gained by the violator as a result of
13 noncompliance;

14 (5) The interest of the public.

15 3. Any final order imposing a civil penalty is subject to judicial review
16 upon the filing of a petition under section 536.100, RSMo, by any person
17 subject to the penalty.

18 4. Payment of a civil penalty shall be made within sixty days of filing
19 the order, or if the order is stayed pending an appeal within ten days after
20 the court enters a final judgment in favor of the board, the board shall notify
21 the attorney general. The attorney general may commence an action to
22 recover the amount of the penalty, including reasonable attorney fees and
23 costs and a surcharge of fifteen percent of the penalty plus ten percent per
24 annum on any amounts owed. In such action, the validity and
25 appropriateness of the final order imposing the civil penalty shall not be
26 subject to review.

27 5. An action to enforce an order under this section may be joined with
28 an action for an injunction.

29 6. Any offer of settlement to resolve a civil penalty under this section
30 shall be in writing, state that an action for imposition of a civil penalty may
31 be initiated by the attorney general representing the board under this
32 section, and identify any dollar amount as an offer of settlement which shall
33 be negotiated in good faith through conference, conciliation, and persuasion.

34 7. Failure to pay a civil penalty by any person licensed under this
35 chapter shall be grounds for refusing to renew a license or certificate of
36 authority.

37 8. Penalties collected under this section shall be handled in accordance

38 **with section 7 of article IX of the Missouri Constitution and shall be deposited**
39 **in the state general revenue fund. Such penalties shall not be considered a**
40 **charitable contribution for tax purposes.**

327.078. 1. In its determination that a licensee or nonlicensee has
2 violated this chapter or a rule promulgated under this chapter, the board may
3 assess the licensee or nonlicensee with its reasonable costs and expenses
4 incurred in conducting the investigation and administrative hearing.

5 2. All moneys collected under this section shall be deposited in the
6 fund established in section 327.081 and shall be used by the board to defray
7 its expenses in connection with disciplinary investigations and hearings.

327.191. No person shall practice as a professional engineer in Missouri, as
2 defined in section 327.181 unless and until there is issued to such person a professional
3 license or a certificate of authority certifying that such person has been duly licensed as
4 a professional engineer or authorized to practice engineering in Missouri, and unless
5 such license or certificate has been renewed as provided in section 327.261; provided that
6 section 327.181 shall not be construed to prevent the practice of engineering by the
7 following persons:

8 (1) Any person who is an employee of a person holding a currently valid license
9 as a professional engineer or who is an employee of a person holding a currently valid
10 certificate of authority pursuant to this chapter, and who performs professional
11 engineering work under the direction and continuing supervision of and is checked by
12 one holding a currently valid license as a professional engineer pursuant to this chapter;

13 (2) Any person who is a regular full-time employee of a person or any former
14 employee under contract to a person, who performs professional engineering work for
15 such employer if and only if all such work and service so performed is done solely in
16 connection with a facility owned or wholly operated by the employer and occupied or
17 maintained by the employer of the employee performing such work or service;

18 (3) Any person engaged in engineering who is a full-time, regular employee of a
19 person engaged in manufacturing operations and which engineering so performed by
20 such person relates to the manufacture, sale or installation of the products of such
21 person;

22 (4) Any holder of a currently valid license or certificate of authority as an
23 architect who performs only such engineering work as is incidental and necessary to the
24 completion of architectural work lawfully being performed by such architect;

25 (5) Any person or corporation who is offering, but not performing or rendering,
26 professional engineering services if the person or corporation is licensed to practice

27 professional engineering in the state or country of residence or principal place of
28 business.

29 **(6) Any employee of a federally licensed radio or television broadcast**
30 **station licensed by the Federal Communications Commission, or any private**
31 **broadcast engineering contractor possessing a valid society of broadcast**
32 **engineers certification.**

327.441. 1. The board may refuse to issue any license or certificate of authority
2 required pursuant to this chapter for one or any combination of causes stated in
3 subsection 2 of this section. The board shall notify the applicant in writing of the
4 reasons for the refusal and shall advise the applicant of the applicant's right to file a
5 complaint with the administrative hearing commission as provided by chapter 621,
6 RSMo.

7 2. The board may cause a complaint to be filed with the administrative hearing
8 commission as provided by chapter 621, RSMo, against any holder of any license or
9 certificate of authority required by this chapter or any person who has failed to renew
10 or has surrendered such person's license or certificate of authority, for any one or any
11 combination of the following causes:

12 (1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic
13 beverage to an extent that such use impairs a person's ability to perform the work of any
14 profession licensed or regulated by this chapter;

15 (2) The person has been finally adjudicated and found guilty, or entered a plea
16 of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of
17 the United States, for any offense reasonably related to the qualifications, functions or
18 duties of any profession licensed or regulated under this chapter, for any offense an
19 essential element of which is fraud, dishonesty or an act of violence, or for any offense
20 involving moral turpitude, whether or not sentence is imposed;

21 (3) Use of fraud, deception, misrepresentation or bribery in securing any license
22 or certificate of authority issued pursuant to this chapter or in obtaining permission to
23 take any examination given or required pursuant to this chapter;

24 (4) Obtaining or attempting to obtain any fee, charge, tuition or other
25 compensation by fraud, deception or misrepresentation;

26 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or
27 dishonesty in the performance of the functions or duties of any profession licensed or
28 regulated by this chapter;

29 (6) Violation of, or assisting or enabling any person to violate, any provision of
30 this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

31 (7) Impersonation of any person holding a license or certificate of authority, or
32 allowing any person to use his or her license or certificate of authority, or diploma from
33 any school;

34 (8) Disciplinary action against the holder of a license or a certificate of authority,
35 or other right to practice any profession regulated by this chapter granted by another
36 state, territory, federal agency or country upon grounds for which revocation or
37 suspension is authorized in this state;

38 (9) A person is finally adjudged incapacitated or disabled by a court of competent
39 jurisdiction;

40 (10) Assisting or enabling any person to practice or offer to practice any
41 profession licensed or regulated by this chapter who is not licensed and currently eligible
42 to practice pursuant to this chapter;

43 (11) Issuance of a professional license or a certificate of authority based upon a
44 material mistake of fact;

45 (12) Failure to display a valid license or certificate of authority if so required by
46 this chapter or any rule promulgated pursuant to this chapter;

47 (13) Violation of any professional trust or confidence;

48 (14) Use of any advertisement or solicitation which is false, misleading or
49 deceptive to the general public or persons to whom the advertisement or solicitation is
50 primarily directed.

51 3. After the filing of such complaint, the proceedings shall be conducted in
52 accordance with the provisions of chapter 621, RSMo. Upon a finding by the
53 administrative hearing commission that the grounds, provided in subsection 2 of this
54 section, for disciplinary action are met, the board may, singly or in combination, censure
55 or place the person named in the complaint on probation on such terms and conditions
56 as the board deems appropriate for a period not to exceed five years, or may suspend, for
57 a period not to exceed three years, **or order a civil penalty pursuant to section**
58 **327.077**, or revoke the license or certificate of authority of the person named in the
59 complaint.

328.010. **As used in this chapter, unless the context clearly indicates**
2 **otherwise, the following terms mean:**

3 (1) **"Barber"**, any person who is engaged in the capacity so as to shave the beard
4 or cut and dress the hair for the general public, shall be construed as practicing the
5 occupation of "barber", and the said barber or barbers shall be required to fulfill all
6 requirements within the meaning of this chapter;

7 (2) **"Barber establishment"**, that part of any building wherein or

8 whereupon any occupation of barbering is being practiced including any
9 space or barber chair rented within a licensed establishment by a person
10 licensed under this chapter, for the purpose of rendering barbering services;

11 (3) "Board", the board of cosmetology and barber examiners;

12 (4) "Cross-over license", a license that is issued to any person who has
13 met the licensure and examination requirements for both barbering and
14 cosmetology;

15 (5) "School of barbering", an establishment operated for the purpose of
16 teaching barbering as defined in subdivision (1) of this section.

328.015. 1. Upon appointment by the governor and confirmation by the
2 senate of the board, the board of barber examiners shall be abolished and its
3 duties and responsibilities shall merge into the board as established under
4 section 329.015, RSMo. The board shall be a continuance of and shall carry
5 out the duties of the board of barber examiners.

6 2. Upon appointment by the governor and confirmation by the senate
7 of the board, all of the powers, duties, and functions of the board of barber
8 examiners shall be transferred to, conferred, and imposed upon the
9 board. The board shall be the successor in every way to the powers, duties,
10 and functions of the board of barber examiners.

11 3. Every act performed in the exercise of such powers, duties, and
12 authorities by or under the authority of the board shall be deemed to have
13 the same force and effect as if performed by the board of barber examiners
14 under this chapter, including any amendments thereto effective with the
15 passage of this section or prior to the effective date of this section.

16 4. All rules of the board of barber examiners and any amendments to
17 such rules shall continue to be effective and shall be deemed to be duly
18 adopted rules of the board until revised, amended, or repealed by the
19 board. The board shall review such rules and shall adopt new rules as
20 required for the administration of this chapter for barbers and
21 cosmetologists.

22 5. Any person or entity licensed or provisionally licensed by the board
23 of barber examiners prior to the appointment by the governor and
24 confirmation by the senate of the board, shall be considered licensed in the
25 same manner by the board.

328.020. It shall be unlawful for any person to [follow] practice the occupation
2 of a barber in this state, unless he or she shall have first obtained a [certificate of
3 registration] license, as provided in this chapter.

328.070. [Such] **The** board shall hold public examinations at least four times in
2 each year, at such times and places as it may deem advisable, notice of such [meetings]
3 **examinations** to be [given by publication thereof] **published** at least ten days prior
4 to [such meetings, in at least two newspapers published in this state, in the locality of
5 each proposed meeting] **the date of the examination. The board shall publish its**
6 **notice of the examination date, place, and time in any manner that it deems**
7 **appropriate. In lieu of holding its own examinations for barber applicants,**
8 **the board may contract with an outside entity qualified to examine applicants**
9 **for licensure.**

328.075. 1. Any person desiring to practice as an apprentice for barbering in this
2 state shall apply to the board, [register] **shall be registered** as an apprentice with the
3 board, and shall pay the appropriate fees prior to beginning their
4 apprenticeship. Barber apprentices shall be of good moral character and shall be at least
5 seventeen years of age.

6 2. Any person desiring to act as an apprentice supervisor for barbering in this
7 state shall first possess a license to practice the occupation of barbering, apply to the
8 board, pay the appropriate fees, complete an eight-hour apprentice supervision
9 instruction course certified by the board, and be issued a [certificate of registration]
10 **license** as a barber apprentice supervisor prior to supervising barber apprentices.

11 3. The board may promulgate rules establishing the criteria for the supervision
12 and training of barber apprentices.

13 4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
14 that is created under the authority delegated in this section shall become effective only
15 if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
16 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
17 nonseverable and if any of the powers vested with the general assembly pursuant to
18 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a
19 rule are subsequently held unconstitutional, then the grant of rulemaking authority and
20 any rule proposed or adopted after August 28, 2004, shall be invalid and void.

328.080. 1. Any person desiring to practice barbering in this state shall make
2 application for a [certificate] **license** to the board and shall pay the required barber
3 examination fee. [He or she shall be present at the next regular meeting of the board
4 for the examination of applicants.]

5 2. The board shall examine [the] **each qualified** applicant and, upon successful
6 completion of the examination and payment of the required [registration] **license** fee,
7 shall issue [to him or her] **the applicant** a [certificate of registration] **license**

8 authorizing him or her to practice the [trade] **occupation of barber** in this state [and
9 enter his name in the register herein provided for]. **The board shall admit an**
10 **applicant to the examination**, if it finds that he or she:

11 (1) Is seventeen years of age or older and of good moral character;

12 (2) Is free of contagious or infectious diseases;

13 (3) Has studied for at least one thousand hours in a period of not less than six
14 months in a properly appointed and conducted barber school under the direct supervision
15 of a licensed instructor; or, if the applicant is an apprentice, the applicant shall have
16 served and completed no less than two thousand hours under the direct supervision of
17 a licensed barber apprentice supervisor;

18 (4) Is possessed of requisite skill in the trade of barbering to properly perform
19 the duties thereof, including the preparation of tools, shaving, haircutting and all the
20 duties and services incident thereto; and

21 (5) Has sufficient knowledge of the common diseases of the face and skin to avoid
22 the aggravation and spread thereof in the practice of barbering.

23 3. The board shall be the judge of whether the barber school, the barber
24 apprenticeship, or college is properly appointed and conducted under proper instruction
25 to give sufficient training in the trade.

26 4. The sufficiency of the qualifications of applicants shall be determined by the
27 board.

28 5. For the purposes of meeting the minimum requirements for examination, the
29 apprentice training shall be recognized by the board for a period not to exceed five years.

328.085. 1. The board shall grant without examination a license to practice
2 barbering to any applicant who holds a [valid] **current** barber's license which is issued
3 by another state or territory whose requirements for licensure were equivalent to the
4 licensing requirements in effect in Missouri at the time the applicant was licensed or
5 who has practiced the trade in another state for at least two **consecutive** years. **An**
6 **applicant under this section shall pay the appropriate application and**
7 **licensure fees at the time of making application. A licensee who is currently**
8 **under disciplinary action with another board of barbering shall not be**
9 **licensed by reciprocity under the provisions of this chapter.**

10 2. Any person who has lawfully practiced or received training in another state
11 who does not qualify for licensure without examination may apply to the board for
12 licensure by examination. Upon application to the board, the board shall evaluate the
13 applicant's experience and training to determine the extent to which the applicant's
14 training and experience satisfies current Missouri licensing requirements and shall

15 notify the applicant regarding his deficiencies and inform the applicant of the action
16 which he must take to qualify to take the examination. 3. The applicant for
17 licensure under this section shall pay a fee equivalent to the barber examination fee.

328.090. Any person desiring to teach barbering in this state in a barber school,
2 college or barber shop must first possess a [certificate of registration] **license** to practice
3 the occupation of barbering and make application to [appear before said] **the** board for
4 an examination as a teacher or instructor in said occupation and shall pay the required
5 instructor examination fee. The board shall examine such applicant and after finding
6 that he **or she** is duly qualified to teach said occupation, [said] **the** board shall issue
7 to him **or her** a [certificate of registration] **license** entitling him **or her** to teach
8 barbering in this state, subject to all the provisions of this chapter. Holders of
9 [certificates] **licenses** to teach barbering shall, on or before the expiration of their
10 respective [certificates] **licenses**, make application for the renewal of same, and shall
11 in each case pay the instructor renewal fee. Should any person holding a [certificate]
12 **license** to teach barbering fail to renew same within the time prescribed herein, such
13 person shall be required to pay a reinstatement fee in addition to the regular
14 [registration] **license** fee provided for herein. Any person failing to renew his
15 [certificate of registration] **or her license** to teach barbering for a period not exceeding
16 two years may reinstate said [certificate of registration] **license** upon the payment of
17 the renewal fee in addition to the reinstatement fee, but any person failing to renew his
18 [certificate of registration] **or her license** to teach barbering for a period exceeding two
19 years and desiring to be [reregistered] **licensed** as a teacher of barbering in this state
20 will be required to [appear before said board and] pass a satisfactory examination as to
21 his **or her** qualifications to teach barbering and shall pay the instructor examination
22 fee.

328.110. 1. Every person engaged in barbering shall on or before the renewal
2 date apply for the renewal of his or her [certificate of registration] **license**.

3 2. Each application for renewal shall state the number of [applicant's] **the**
4 **licensee's** expiring [certificate] **license**, and be accompanied by his or her renewal
5 fee. Any person holding a [certificate of registration] **license** as a barber, except as
6 herein provided, who fails to apply for renewal within two months of the expiration date
7 of his or her [certificate of registration] **license**, shall pay a reinstatement fee in
8 addition to the regular [registration] **license** renewal fee. Any person who fails to
9 renew his or her [certificate of registration] **license**, except as herein provided, for a
10 period not exceeding two years may reinstate his or her [certificate of registration]
11 **license** upon payment of the [registration] **license** renewal fee for each delinquent year

12 in addition to the reinstatement fee prescribed herein, but any barber, except as herein
13 provided, who fails to renew his or her [certificate of registration] **license** for a period
14 exceeding two years but less than five years and desires to be [reregistered] **licensed**
15 as a barber in this state will be required to [appear before the board and] pass the
16 practicum portion of the [state] **state's** licensing examination as to his or her
17 qualifications to practice barbering and shall pay the barber examination fee.

18 3. A holder of a [certificate of registration] **barber license** who has been
19 honorably discharged from the United States armed forces, and has not renewed his or
20 her [certificate of registration] **license** as herein provided, shall, upon his or her return
21 to barbering within one year from date of honorable discharge, pay one dollar for renewal
22 of same.

328.115. 1. The owner of every shop or establishment in which the occupation
2 of barbering is practiced shall obtain a [certificate of registration] **license** for such shop
3 or establishment issued by the board before barbering is practiced therein. A new
4 [certificate of registration] **license** shall be obtained for a barber shop or establishment
5 before barbering is practiced therein when the shop or establishment changes ownership
6 or location.

7 2. The board shall issue a [certificate of registration] **license** for a shop or
8 establishment upon receipt of [a registration] **the license** fee from the applicant if the
9 board finds that the shop or establishment complies with the sanitary regulations
10 adopted pursuant to section 328.060. All shops or establishments shall continue to
11 comply with the sanitary regulations. Failure of a shop or establishment to comply with
12 the sanitary regulations shall be grounds for the board to file a complaint with the
13 administrative hearing commission to revoke or suspend the [certificate of registration]
14 **license** for the shop or censure or place on probation the holder thereof.

15 3. The [certificate of registration] **license** for a shop or establishment shall be
16 renewable. The applicant for renewal of the [certificate] **license** shall on or before the
17 renewal date submit [a] **the completed renewal application accompanied by the**
18 **required** renewal fee. If the renewal **application and** fee [is] **are** not submitted [on
19 or before] **within thirty days following** the renewal date [and if the fee remains
20 unpaid for thirty days thereafter], a penalty fee plus the renewal fee shall be paid to
21 renew the [certificate] **license**. If a new shop opens any time during the licensing
22 period and does not register a **license** before opening, there shall be a delinquent fee
23 in addition to the regular fee. The [certificate of registration must] **license shall** be
24 kept posted in plain view within the shop or establishment at all times.

328.120. 1. Any firm, corporation or person, [desiring to conduct a barber school

2 or college in this state, shall first secure from the board a permit to do so, and shall keep
3 the same prominently displayed. There shall be a permit fee to be paid on or before the
4 permit renewal date.] **may make application to the board for a license to own**
5 **and operate a barber school or college on the form prescribed by the**
6 **board. Every barber school or college in which the occupation of barbering**
7 **is taught shall be required to obtain a license from the board prior to**
8 **opening. The license shall be issued upon approval of the application by the**
9 **board, the payment of the required fees, and the board's determination that**
10 **the applicant meets all other requirements of this chapter and any rules**
11 **promulgated thereunder. The license shall be kept posted in plain view**
12 **within the barber school or college at all times.**

13 **2. A barber school or college license renewal application and fee shall**
14 **be submitted on or before the renewal date of any school or college license**
15 **issued under this section. If the barber school or college license renewal fee**
16 **is not paid on or before the renewal date, a late fee shall be added to the**
17 **regular license renewal fee.**

18 **3.** The board shall promulgate rules and regulations regarding the course of
19 study in [the] **a barber** school or college, and may revoke any [permit] **license** issued
20 hereunder for any violation of the provisions of this section or rule promulgated pursuant
21 to this section. The board shall follow the procedure prescribed by chapter 621, RSMo,
22 to revoke a barber school [permit] **license**. [Permits] **License** shall not be restricted
23 to any one group or person but shall be granted to any reasonably qualified person or
24 group under a fair and nondiscriminating method of determination.

25 [2.] **4.** There shall be not less than one teacher or instructor for every fifteen
26 students in any barber school or college holding a [permit] **license** under this section.

27 [3.] **5.** The barber school or college shall immediately file with the board the
28 name and age of each student entering the school, and the board shall cause the same
29 to be entered in a register kept for that purpose. A registration fee shall be paid by the
30 student.

31 [4.] **6.** The barber school or college shall certify to the board the names of all
32 students who successfully completed a course of study approved by the board and
33 consisting of at least one thousand hours of study under the direct supervision of a
34 licensed instructor in a period of not less than six months.

35 [5.] **7.** No rule or portion of a rule promulgated under the authority of this
36 chapter shall become effective unless it has been promulgated pursuant to the provisions
37 of section 536.024, RSMo.

328.130. [There shall be furnished to each person to whom a certificate of
2 registration is issued a card or certificate certifying that] **The board shall issue a**
3 **printed license to each person successfully meeting the board's requirements**
4 **for licensure, which shall be evidence** the holder thereof is entitled to practice the
5 occupation of [barber] **barbering** in this state[, and it shall be the duty of the holder
6 of such card or certificate to]. **The licensee shall post [the same] his or her license**
7 in a conspicuous place in front of his **or her** working chair where it may be readily seen
8 by all persons whom he **or she** may serve.

328.160. Any person practicing the occupation of [barber] **barbering** without
2 having obtained a [certificate of registration or permit] **license** as provided in this
3 chapter, or willfully employing a barber who [has not such certificate or permit] **does**
4 **not hold a valid license issued by the board**, managing or conducting a barber
5 school or college[,] without first securing a [permit] **license** from [such] **the** board, or
6 falsely pretending to be qualified to practice as a barber or instructor or teacher of such
7 occupation under this chapter, or failing to keep [the certificate, card or permit
8 mentioned in] **any license required by** this chapter properly displayed or for any
9 extortion or overcharge practiced, and any barber college, firm, corporation or person
10 operating or conducting a barber college without first having secured the [permit
11 provided for] **license required** by this chapter, or failing to comply with such sanitary
12 rules as the board, in conjunction with the department of health and senior services,
13 prescribes, or for the violation of any of the provisions of this chapter, shall be deemed
14 guilty of a class C misdemeanor. Prosecutions under this chapter shall be initiated and
15 carried on in the same manner as other prosecutions for misdemeanors in this state.

329.010. As used in this chapter, unless the context clearly indicates otherwise,
2 the following words and terms mean:

3 (1) "Apprentice" or "student", a person who is engaged in training within a
4 cosmetology establishment or school, and while so training performs any of the practices
5 of the classified occupations within this chapter under the immediate direction and
6 supervision of a [registered] **licensed** cosmetologist or instructor;

7 (2) "Board", the state board of cosmetology **and barber examiners**;

8 (3) "Cosmetologist", any person who, for compensation, engages in the practice
9 of cosmetology, as defined in subdivision (4) of this section;

10 (4) "Cosmetology" includes performing or offering to engage in any acts of the
11 classified occupations of cosmetology for compensation, which shall include:

12 (a) "Class CH - hairdresser" includes arranging, dressing, curling, singeing,
13 waving, permanent waving, cleansing, cutting, bleaching, tinting, coloring or similar

14 work upon the hair of any person by any means; or removing superfluous hair from the
15 body of any person by means other than electricity, or any other means of arching or
16 tinting eyebrows or tinting eyelashes. Class CH - hairdresser, also includes, any person
17 who either with the person's hands or with mechanical or electrical apparatuses or
18 appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams
19 engages for compensation in any one or any combination of the following: massaging,
20 cleaning, stimulating, manipulating, exercising, beautifying or similar work upon the
21 scalp, face, neck, arms or bust;

22 (b) "Class MO - manicurist" includes cutting, trimming, polishing, coloring,
23 tinting, cleaning or otherwise beautifying a person's fingernails, applying artificial
24 fingernails, massaging, cleaning a person's hands and arms; pedicuring, which includes,
25 cutting, trimming, polishing, coloring, tinting, cleaning or otherwise beautifying a
26 person's toenails, applying artificial toenails, massaging and cleaning a person's legs and
27 feet;

28 (c) "Class CA - hairdressing and manicuring" includes all practices of
29 cosmetology, as defined in paragraphs (a) and (b) of this subdivision;

30 (d) "Class E - estheticians" includes the use of mechanical, electrical apparatuses
31 or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or
32 creams, not to exceed ten percent phenol, engages for compensation, either directly or
33 indirectly, in any one, or any combination, of the following practices: massaging,
34 cleansing, stimulating, manipulating, exercising, beautifying or similar work upon the
35 scalp, face, neck, ears, arms, hands, bust, torso, legs or feet and removing superfluous
36 hair by means other than electric needle or any other means of arching or tinting
37 eyebrows or tinting eyelashes, of any person;

38 (5) "Cosmetology establishment", that part of any building wherein or whereupon
39 any of the classified occupations are practiced including any space rented within a
40 licensed establishment by a person licensed under this chapter, for the purpose of
41 rendering cosmetology services;

42 (6) "**Cross-over license**", a license that is issued to any person who has
43 **met the licensure and examination requirements for both barbering and**
44 **cosmetology**;

45 (7) "Hairdresser", any person who, for compensation, engages in the practice of
46 cosmetology as defined in paragraph (a) of subdivision (4) of this section;

47 [(7)] (8) "Instructor", any person who is licensed to teach cosmetology or any
48 practices of cosmetology pursuant to this chapter;

49 [(8)] (9) "Manicurist", any person who, for compensation, engages in any or all

50 of the practices in paragraph (b) of subdivision (4) of this section;

51 **[(9)] (10) "Parental consent", the written informed consent of a minor's**
52 **parent or legal guardian that must be obtained prior to providing body**
53 **waxing on or near the genitalia;**

54 **(11) "School of cosmetology" or "school of manicuring", an establishment operated**
55 **for the purpose of teaching cosmetology as defined in subdivision (4) of this section.**

56 **(12) "Accredited school of cosmetology or school of manicuring", an**
57 **establishment operated for the purpose of teaching cosmetology as defined in**
58 **this section and meeting the criteria set forth under 34 C.F.R. Part 600,**
59 **sections 600.1 and 600.2.**

329.015. 1. There is hereby created and established a "Board of
2 **Cosmetology and Barber Examiners" for the purpose of licensing all persons**
3 **engaged in the practice of cosmetology, manicuring, esthetics, and barbering,**
4 **including but not limited to shaving or trimming the beard or cutting the**
5 **hair; and to fulfill all other duties and responsibilities delegated by chapter**
6 **328, RSMo, as it pertains to barbers and this chapter as it pertains to**
7 **cosmetologists. The duties and responsibilities of the board of cosmetology**
8 **and barber examiners as such duties and responsibilities pertain to barbers**
9 **and cosmetologists shall not take full force and effect until such time as the**
10 **governor appoints the members of the board of cosmetology and barber**
11 **examiners and the appointments are confirmed by the senate. At such time,**
12 **the powers and duties of the board of barber examiners and the state board**
13 **of cosmetology shall be merged into the board under section 329.023.**

14 **2. The governor shall appoint members to the board by and with the**
15 **advice and consent of the senate. The board shall consist of eleven members**
16 **each of whom are United States citizens and who have been residents of this**
17 **state for at least one year immediately preceding their appointment. Of these**
18 **eleven members, three shall be licensed cosmetologists holding a Class CA**
19 **license classification, one shall be an accredited cosmetology school owner as**
20 **defined in section 329.010, one shall be the owner of a school licensed under**
21 **subsection 1 of section 329.040, one shall be a cosmetologist with a license of**
22 **any type of cosmetology classification, three shall be licensed barbers, and**
23 **two shall be voting public members. All members, except public members and**
24 **accredited school owners, shall be cosmetologists and barbers duly registered**
25 **as such and licensed under the laws of this state and shall have been actively**
26 **engaged in the lawful practice of their profession for a period of at least five**
27 **years immediately preceding their appointment. All members of the board,**

28 including public members, shall be chosen from lists submitted by the
29 director of the division of professional registration.

30 3. Upon the appointment of the initial board members, at least two
31 cosmetologist members and two barber members shall be appointed by the
32 governor to serve a term of four years; two cosmetologist members, one
33 barber member and a public member shall be appointed to serve a term of
34 three years, and the remaining members of the initial board shall be
35 appointed for a term of two years. Thereafter, all members shall be appointed
36 by the governor by and with the advice and consent of the senate to serve
37 four-year terms. The governor shall appoint members to fill any vacancies,
38 whether it occurs by the expiration of a term or otherwise; provided,
39 however, that any board member shall serve until his or her successor is
40 appointed and duly qualified. No person shall be eligible for reappointment
41 that has served as a member of the board for a total of twelve years.

42 4. At the time of appointment, the public members shall be citizens of
43 the United States, residents of this state for a period of at least one year
44 immediately preceding their appointment, and a registered voter. The public
45 members of the spouse of such members shall be persons who are not and
46 never were a member of any profession licensed or regulated by the
47 board. The public members and the spouse of such members shall be persons
48 who do not have and never have had a material financial interest in the
49 provision of the professional services regulated by the board, or an activity
50 or organization directly related to any professions licensed or regulated by
51 the board. The duties of the public members and accredited school owner
52 member shall not include the determination of the technical requirements to
53 be met for licensure, or whether any person meets such technical
54 requirements, or of the technical competence or technical judgment of a
55 licensee or a candidate for licensure.

56 5. Any member who is a school owner shall not be allowed access to the
57 testing and examination materials nor shall any such member be allowed to
58 attend the administration of the examinations, except when such member is
59 being examined for licensure.

60 6. The members of the board shall receive as compensation for their
61 services the sum set by the board not to exceed seventy dollars for each day
62 actually spent in attendance at meetings of the board plus actual and
63 necessary expenses.

329.023. 1. Upon appointment by the governor and confirmation by the

2 senate of the board, the state board of cosmetology is abolished and its duties
3 and responsibilities shall merge into the board as established under section
4 329.015. The board shall be a continuance of and shall carry out the duties
5 of the state board of cosmetology.

6 2. Upon appointment by the governor and confirmation by the senate
7 of the board, all of the powers, duties, and functions of the state board of
8 cosmetology are transferred to, conferred, and imposed upon the board. The
9 board shall be the successor in every way to the powers, duties, and functions
10 of the state board of cosmetology.

11 3. Every act performed in the exercise of such powers, duties, and
12 authorities by or under the authority of the board shall be deemed to have
13 the same force and effect as if performed by the state board of cosmetology
14 under this chapter, including any amendments thereto effective with the
15 passage of this law or prior to the effective date of this section.

16 4. All rules and regulations of the state board of cosmetology and any
17 amendments thereto shall continue to be effective and shall be deemed to be
18 duly adopted rules and regulations of the board until revised, amended, or
19 repealed by the board. The board shall review such rules and regulations and
20 shall adopt new rules as required for the administration of the licensure law
21 for barbers and cosmetologists.

22 5. Any person or entity licensed or provisionally licensed by the state
23 board of cosmetology prior to the appointment by the governor and
24 confirmation by the senate of the board, shall be considered licensed in the
25 same manner by the board of cosmetology and barber examiners.

329.025. 1. The board shall have power to:

2 (1) Prescribe by rule for the examination of applicants for licensure to
3 practice the classified occupations of barbering and cosmetology and issue
4 licenses;

5 (2) Prescribe by rule for the inspection of barber and cosmetology
6 establishments and schools and appoint the necessary inspectors and
7 examining assistants;

8 (3) Prescribe by rule for the inspection of establishments and schools
9 of barbering and cosmetology as to their sanitary conditions and to appoint
10 the necessary inspectors and, if necessary, examining assistants;

11 (4) Set the amount of the fees that this chapter and chapter 328
12 authorize and require, by rules promulgated under section 536.021,
13 RSMo. The fees shall be set at a level sufficient to produce revenue that shall

14 not substantially exceed the cost and expense of administering this chapter
15 and chapter 328;

16 (5) Employ and remove board personnel, as set forth in subdivision (4)
17 of subsection 15 of section 620.010, RSMo, including an executive secretary or
18 comparable position, inspectors, investigators, legal counsel and secretarial
19 support staff, as may be necessary for the efficient operation of the board,
20 within the limitations of its appropriation;

21 (6) Elect one of its members president, one vice president, and one
22 secretary with the limitation that no single profession can hold the positions
23 of president and vice president at the same time;

24 (7) Promulgate rules necessary to carry out the duties and
25 responsibilities designated by this chapter and chapter 328;

26 (8) Determine the sufficiency of the qualifications of applicants; and

27 (9) Prescribe by rule the minimum standards and methods of
28 accountability for the schools of barbering and cosmetology licensed under
29 this chapter and chapter 328.

30 2. The board shall create no expense exceeding the sum received from
31 time to time from fees imposed under this chapter and chapter 328.

32 3. A majority of the board, with at least one representative of each
33 profession being present, shall constitute a quorum for the transaction of
34 business.

35 4. The board shall meet not less than six times annually.

36 5. Any rule or portion of a rule, as that term is defined in section
37 536.010, RSMo, that is created under the authority delegated in chapters 328
38 and 329 shall become effective only if it complies with and is subject to all of
39 the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
40 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of
41 the powers vested with the general assembly under chapter 536, RSMo, to
42 review, to delay the effective date or to disapprove and annul a rule are
43 subsequently held unconstitutional, then the grant of rulemaking authority
44 and any rule proposed or adopted after August 28, 2001, shall be invalid and
45 void.

329.028. 1. There is hereby created in the state treasury a fund to be
2 known as the "Board of Cosmetology and Barber Examiners Fund", which
3 shall consist of all moneys collected by the board. All fees provided for in this
4 chapter and chapter 328 shall be payable to the director of the division of
5 professional registration in the department of economic development, who

6 shall keep a record of the account showing the total payments received and
7 shall immediately thereafter transmit them to the department of revenue for
8 deposit in the state treasury to the credit of the board of cosmetology and
9 barber examiners fund. All the salaries and expenses for the operation of the
10 board shall be appropriated and paid from such fund.

11 2. The provisions of section 33.080, RSMo, to the contrary
12 notwithstanding, money in this fund shall not be transferred and placed to
13 the credit of general revenue until the amount in the fund at the end of the
14 biennium exceeds two times the amount of the appropriation from the board's
15 funds for the preceding fiscal year or, if the board requires by rule license
16 renewal less frequently than yearly, then three times the appropriation from
17 the board's funds for the preceding fiscal year. The amount, if any, in the
18 fund which shall lapse is that amount in the fund which exceeds the
19 appropriate multiple of the appropriations from the board's funds for the
20 preceding fiscal year.

21 3. Upon appointment by the governor and confirmation by the senate
22 of the board, all moneys deposited in the board of barbers fund created in
23 section 328.050, RSMo, and the state board of cosmetology fund created in
24 section 329.240, shall be transferred to the board of cosmetology and barber
25 examiners fund created in subsection 1 of this section. The board of barbers
26 fund and the state board of cosmetology fund shall be abolished when all
27 moneys are transferred to the board of cosmetology and barber examiners
28 fund.

329.035. 1. For the purposes of this section, "person employed in retail cosmetic
2 sales" means any person who assists customers to select cosmetics by allowing the
3 customer to apply samples of demonstration cosmetics, assisting the customer to apply
4 cosmetics, or applying the cosmetic to the customer. There shall be no skin-to-skin
5 contact between the salesperson and the customer. Assisted cosmetic applications by the
6 customer or the person employed in retail cosmetic sales shall be performed with
7 single-use applicators, except for perfume or cologne, samples applied to the hand or the
8 arm or dispensed from a tube, pump, spray or shaker container, or samples or
9 applicators that have been cleansed before each use or application. No person employed
10 in retail cosmetic sales as provided in this section shall accept any remuneration from
11 the customer for performing any of the acts described in this section or make such
12 assistance or application conditioned on any sale.

13 2. A [certificate of registration as provided in] license as required under

14 section 329.030 is not required for persons who are employed in retail cosmetic sales if
15 such persons do not hold themselves out to have a license, permit, certificate of
16 registration or any other authority authorizing such person to practice the professions
17 licensed by the board.

18 3. The board may promulgate rules establishing minimum sanitation standards
19 for persons employed in retail cosmetic sales, but such rules shall not require a sink at
20 the cosmetic counter for a source and drainage of water or any other electrical sanitation
21 equipment required in hairdressing or cosmetologist's or manicurist's shops licensed
22 pursuant to this chapter. The board may inspect retail cosmetic sales establishments
23 to ensure compliance with this section and rules promulgated thereunder.

329.045. Every establishment in which the occupation of cosmetology is practiced
2 shall be required to obtain a license from the [state] board [of cosmetology]. Every
3 establishment required to be licensed shall pay to the [state] **board** an establishment
4 fee for the first three licensed cosmetologists esthetician and/or manicurists, and/or
5 apprentices and an additional fee for each additional licensee. The fee shall be due and
6 payable on the renewal date and, if the fee remains unpaid thereafter, there shall be a
7 late fee in addition to the regular establishment fee or, if a new establishment opens any
8 time during the licensing period and does not register before opening, there shall be a
9 delinquent fee in addition to the regular establishment fee. The license shall be kept
10 posted in plain view within the establishment at all times.

329.050. 1. Applicants for examination or licensure pursuant to this chapter
2 shall possess the following qualifications:

3 (1) They must be persons of good moral character, have an education equivalent
4 to the successful completion of the tenth grade and be at least seventeen years of age;

5 (2) If the applicants are apprentices, they shall have served and completed, as
6 an apprentice under the supervision of a licensed cosmetologist, the time and studies
7 required by the board which shall be no less than three thousand hours for
8 cosmetologists, and no less than [seven hundred eighty] **eight hundred** hours for
9 manicurists and no less than fifteen hundred hours for esthetics. However, when the
10 classified occupation of manicurist is apprenticed in conjunction with the classified
11 occupation of cosmetologist, the [apprentices] **apprentice** shall be required to
12 successfully complete [the] **an** apprenticeship of no less than a total of three thousand
13 hours;

14 (3) If the applicants are students, they shall have had the required time in a
15 licensed school of no less than one thousand five hundred hours training or the credit
16 hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34

17 of the Code of Federal Regulations, as amended, for the classification of cosmetologist,
18 with the exception of public vocational technical schools in which a student shall
19 complete no less than one thousand two hundred twenty hours training. All students
20 shall complete no less than four hundred hours or the credit hours determined by the
21 formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal
22 Regulations, as amended, for the classification of manicurist. All students shall complete
23 no less than seven hundred fifty hours or the credit hours determined by the formula in
24 Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as
25 amended, for the classification of esthetician. However, when the classified occupation
26 of manicurist is taken in conjunction with the classified occupation of cosmetologist, the
27 student shall not be required to serve the extra four hundred hours or the credit hours
28 determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the
29 Code of Federal Regulations, as amended, otherwise required to include manicuring of
30 nails; and

31 (4) They shall have passed an examination to the satisfaction of the board.

32 2. A person may apply to take the examination required by subsection 1 of this
33 section if the person is a graduate of a school of cosmetology or apprentice program in
34 another state or territory of the United States which has substantially the same
35 requirements as an educational establishment licensed pursuant to this chapter. **A**
36 **person may apply to take the examination required by subsection 1 of this**
37 **section if the person is a graduate of an educational establishment in a**
38 **foreign country that provides training for a classified occupation of**
39 **cosmetology, as defined by section 329.010, and has educational requirements**
40 **that are substantially the same requirements as an educational establishment**
41 **licensed under this chapter. The board has sole discretion to determine the**
42 **substantial equivalency of such educational requirements. The board may**
43 **require that transcripts from foreign schools be submitted for its review; and**
44 **may require that the applicant provide an approved English translation of**
45 **such transcripts.**

46 3. Each application shall contain a statement that, subject to the penalties of
47 making a false affidavit or declaration, the application is made under oath or affirmation
48 and that its representations are true and correct to the best knowledge and belief of the
49 person signing the application.

50 4. The sufficiency of the qualifications of applicants shall be determined by the
51 board, but the board may delegate this authority to its executive director subject to such
52 provisions as the board may adopt.

53 5. For the purpose of meeting the minimum requirements for examination,
54 training completed by a student or apprentice shall be recognized by the board for a
55 period of no more than five years from the date it is received.

56 **6. Any licensed barber or cosmetologist having held an unencumbered**
57 **license for at least ten years shall be eligible to sit for the Class MO -**
58 **manicurist license examination.**

 329.060. 1. Every person desiring to sit for the examination for any of the
2 occupations provided for in this chapter shall file with the [state] board [of cosmetology]
3 a written application on a form supplied to the applicant, and shall submit proof of the
4 required age, educational qualifications, and of good moral character together with the
5 required cosmetology examination fee. Each application shall contain a statement that
6 it is made under oath or affirmation and that its representations are true and correct to
7 the best knowledge and belief of the person signing same, subject to the penalties of
8 making a false affidavit or declaration.

9 2. Upon the filing of the application and the payment of the fee, the [state] board
10 [of cosmetology] shall, upon request, issue to the applicant, if the applicant is qualified
11 to sit for the examination, a temporary license [for a definite period of time, but not
12 beyond the release of the results from the next regular examination of applicants] for the
13 practicing of the occupations as provided in this chapter. **The temporary license**
14 **shall be valid for sixty days. If the applicant fails the examination, the**
15 **temporary license shall immediately expire.**

16 Any person receiving a temporary license shall be entitled to practice the occupations
17 designated on the temporary license, under the supervision of a person licensed in
18 cosmetology, until the expiration of the temporary license. Any person continuing to
19 practice the occupation beyond the expiration of the temporary license without being
20 licensed in cosmetology as provided in this chapter is guilty of an infraction.

 329.070. 1. Apprentices or students shall be licensed with the board and shall
2 pay a student fee or an apprentice fee prior to beginning their course, and shall be of
3 good moral character and have an education equivalent to the successful completion of
4 the tenth grade.

5 2. An apprentice or student shall not be enrolled in a course of study that shall
6 exceed [eight] **twelve** hours per day or that is less than three hours per day. The course
7 of study shall be no more than [forty-eight] **seventy-two** hours per week and no less
8 than fifteen hours per week.

9 3. Every person desiring to act as an apprentice in any of the classified
10 occupations within this chapter shall file with the board a written application on a form

11 supplied to the applicant, together with the required apprentice fee.

329.090. If the [state] board [of cosmetology] finds the applicant has submitted
2 the credentials required for admission to the examination and has paid the required fee,
3 the board shall admit such applicant to examination for licensure.

329.100. The examination of applicants for licenses to practice under this chapter
2 shall be conducted under the rules prescribed by the [state] board [of cosmetology] and
3 shall include both practical demonstrations and written and oral tests in reference to the
4 practices for which a license is applied and such related studies and subjects as the
5 [state] board [of cosmetology] may determine necessary for the proper and efficient
6 performance of such practices and shall not be confined to any specific system or method,
7 and such examinations shall be consistent with the practical and theoretical
8 requirements of the classified occupation or occupations as provided by this chapter.

329.110. 1. If an applicant for examination for cosmetology passes the
2 examination to the satisfaction of the [state] board [of cosmetology] and has paid the fee
3 required and complied with the requirements pertaining to this chapter, the board shall
4 cause to be issued a license to that effect. The license shall be evidence that the person
5 to whom it is issued is entitled to engage in the practices, occupation or occupations
6 stipulated therein as prescribed in this chapter. The license shall be conspicuously
7 displayed in his or her principal office, place of business, or employment.

8 2. Whenever anyone who has been licensed in accordance with this chapter
9 practices any of the occupations authorized in this chapter outside of or away from the
10 person's principal office, place of business, or employment, he or she shall deliver to each
11 person in his or her care a certificate of identification. This certificate shall contain his
12 or her signature, the number and date of his or her license, the post office address and
13 the date upon which the certificate of identification is delivered to the person under his
14 or her care.

329.120. The holder of a license issued by the [state] board [of cosmetology] who
2 continues in active practice or occupation shall on or before the license renewal date
3 renew the holder's license and pay the renewal fee. A license which has not been
4 renewed prior to the renewal date shall expire on the renewal date. The holder of an
5 expired license may have the license restored within two years of the date of expiration
6 without examination, upon the payment of a delinquent fee in addition to the renewal
7 fee.

329.130. [The state board of cosmetology shall dispense with examinations of an
2 applicant, as provided in this chapter, and shall grant licenses under the respective
3 sections upon the payment of the required fees, provided that the applicant has complied

4 with the requirements of another state, territory of the United States, or, District of
5 Columbia wherein the requirements for licensure are substantially equal to those in
6 force in this state at the time application for the license is filed and upon due proof that
7 the applicant at time of making application holds a current license in the other state,
8 territory of the United States, or District of Columbia, and upon the payment of a fee
9 equal to the examination and licensing fees required to accompany an application for a
10 license in cosmetology.] **1. The board shall grant without examination a license**
11 **to practice cosmetology to any applicant who holds a current license that is**
12 **issued by another state, territory of the United States, or the District of**
13 **Columbia whose requirements for licensure are substantially equal to the**
14 **licensing requirements in Missouri at the time the application is filed or who**
15 **has practiced cosmetology for at least two consecutive years in another state,**
16 **territory of the United States, or the District of Columbia. The applicant**
17 **under this subsection shall pay the appropriate application and licensure fees**
18 **at the time of making application.** A licensee who is currently under disciplinary
19 action with another board of cosmetology shall not be licensed by reciprocity under the
20 provisions of this chapter.

21 **2. Any person who lawfully practiced or received training in another**
22 **state who does not qualify for licensure without examination may apply to the**
23 **board for licensure by examination. Upon application to the board, the board**
24 **shall evaluate the applicant's experience and training to determine the extent**
25 **to which the applicant's training and experience satisfies current Missouri**
26 **licensing requirements and shall notify the applicant regarding his or her**
27 **deficiencies and inform the applicant of the action that he or she must take**
28 **to qualify to take the examination. The applicant for licensure under this**
29 **subsection shall pay the appropriate examination and licensure fees.**

329.265. [Until July 1, 1999, any person licensed in Missouri as a Class CH or
2 CA cosmetologist pursuant to this chapter may be licensed as an esthetician without
3 examination if such person applies to the state board of cosmetology and pays a fee, as
4 established by the board. The state board of cosmetology shall notify, by October 1,
5 1998, by United States mail at their last known address, all persons licensed in Missouri
6 as Class CH or CA cosmetologists of their rights as provided in this section to be licensed
7 as an esthetician without examination.] After July 1, 1999, any licensed cosmetologist
8 shall be required to complete the required training of seven hundred and fifty hours and
9 pass the required examination **to be licensed as an esthetician.**

332.302. As used in sections 332.302 to 332.305, the following terms shall

2 mean:

3 (1) "Committee", the "Dental Hygienist Distance Learning Committee"
4 created under section 332.303;

5 (2) "Department", the department of economic development;

6 (3) "Director", the director of the department of economic development.

332.303. 1. There is hereby established the "Dental Hygienist Distance
2 Learning Committee". The committee shall consist of six members. The
3 director shall appoint the members of the committee, three of whom shall be
4 dentists licensed under this chapter, and three of whom shall be dental
5 hygienists holding certificates of registration under this chapter.

6 2. Members of the committee shall not be compensated for their
7 services, but they shall be reimbursed for actual and necessary expenses
8 incurred in the performance of their duties. Each member shall serve until
9 the committee is dissolved under section 332.305. The department shall
10 provide staff to the committee and aid it in the performance of its duties.

332.304. The specific duties of the committee shall include the
2 following:

3 (1) Designing a training program for dental hygienists which allows
4 coursework to be completed off-site from the educational institution, and
5 clinical and didactic training to be delivered in the office of a dentist licensed
6 under this chapter if such offsite dental office is a part of an accredited
7 dental hygiene program through the Commission on Dental Accreditation of
8 the American Dental Association as an extended campus facility, or any other
9 facility approved by the council on dental accreditation;

10 (2) Developing suggestions for the creation of a contract between the
11 department and an institution of higher education to establish the training
12 program designed under subdivision (1) of this section;

13 (3) Analyzing issues relating to the curriculum, funding, and
14 administration of the training program designed under subdivision (1) of this
15 section; and

16 (4) On or before November 1, 2005, delivering to both houses of the
17 general assembly and the governor a report on the training program designed
18 under subdivision (1) of this section and any suggestions developed and
19 analysis made under subdivisions (2) and (3) of this section.

332.305. The committee shall dissolve upon delivery of the report
2 required under subdivision (4) of section 332.304.

332.312. 1. As used in this section, "distance dental hygienist education

2 **program" shall mean a training program for dental hygienists accredited by**
3 **the Commission on Dental Accreditation of the American Dental Association**
4 **that allows didactic and clinical course work to be completed offsite of the**
5 **educational institution, including a dental facility regulated under this**
6 **chapter, if such offsite location is a part of an accredited dental hygiene**
7 **program through the Commission on Dental Accreditation of the American**
8 **Dental Association as an extended campus facility.**

9 **2. The department of economic development shall contract with an**
10 **institution of higher education, which meets the standards established by the**
11 **Commission on Dental Accreditation of the American Dental Association, to**
12 **establish a distance dental hygienist education program.**

334.103. 1. The license of a physician **or physician assistant** shall be
2 automatically revoked at such time as the final trial proceedings are concluded whereby
3 a physician **or physician assistant** has been adjudicated and found guilty, or has
4 entered a plea of guilty or nolo contendere, in a felony criminal prosecution under the
5 laws of the state of Missouri, the laws of any other state, or the laws of the United States
6 of America for any offense reasonably related to the qualifications, functions or duties
7 of a physician **or physician assistant**, or for any felony offense, an essential element
8 of which is fraud, dishonesty or an act of violence, or for any felony offense involving
9 moral turpitude, whether or not sentence is imposed, or, upon the final and
10 unconditional revocation of the license of a physician **or physician assistant** to
11 practice the healing arts in another state or territory upon grounds for which revocation
12 is authorized in this state following a review of the record of the proceedings and upon
13 a formal motion of the state board of registration for the healing arts. The license of any
14 such physician **or physician assistant** shall be automatically reinstated if the
15 conviction or the revocation is ultimately set aside upon final appeal in any court of
16 competent jurisdiction.

17 2. Anyone who has been denied a license, permit or certificate to practice in
18 another state shall automatically be denied a license to practice in this state. However,
19 the board of healing arts may set up other qualifications by which such person may
20 ultimately be qualified and licensed to practice in Missouri.

2 334.735. 1. As used in sections 334.735 to 334.749, the following terms mean:

3 (1) "Applicant", any individual who seeks to become licensed as a physician
4 assistant;

5 (2) "Certification" or "registration", a process by a certifying entity that grants
6 recognition to applicants meeting predetermined qualifications specified by such

7 certifying entity;

8 (3) "Certifying entity", the nongovernmental agency or association which certifies
9 or registers individuals who have completed academic and training requirements;

10 (4) "Department", the department of economic development or a designated
11 agency thereof;

12 (5) "License", a document issued to an applicant by the department
13 acknowledging that the applicant is entitled to practice as a physician assistant;

14 (6) "Physician assistant", a person who has graduated from a physician assistant
15 program accredited by the American Medical Association's Committee on Allied Health
16 Education and Accreditation or by its successor agency, who has passed the certifying
17 examination administered by the National Commission on Certification of Physician
18 Assistants and has active certification by the National Commission on Certification of
19 Physician Assistants who provides health care services delegated by a licensed physician.
20 A person who has been employed as a physician assistant for three years prior to August
21 28, 1989, who has passed the National Commission on Certification of Physician
22 Assistants examination, and has active certification of the National Commission on
23 Certification of Physician Assistants;

24 (7) "Recognition", the formal process of becoming a certifying entity as required
25 by the provisions of sections 334.735 to 334.749;

26 (8) "Supervision", control exercised over a physician assistant working within the
27 same office facility of the supervising physician except a physician assistant may make
28 follow-up patient examinations in hospitals, nursing homes and correctional facilities,
29 each such examination being reviewed, approved and signed by the supervising
30 physician. The board shall promulgate rules pursuant to chapter 536, RSMo, for the
31 proximity of practice between the physician assistant and the supervising physician and
32 documentation of joint review of the physician assistant activity by the supervising
33 physician and the physician assistant.

34 2. The scope of practice of a physician assistant shall consist only of the following
35 services and procedures:

36 (1) Taking patient histories;

37 (2) Performing physical examinations of a patient;

38 (3) Performing or assisting in the performance of routine office laboratory and
39 patient screening procedures;

40 (4) Performing routine therapeutic procedures;

41 (5) Recording diagnostic impressions and evaluating situations calling for
42 attention of a physician to institute treatment procedures;

43 (6) Instructing and counseling patients regarding mental and physical health
44 using procedures reviewed and approved by a licensed physician;

45 (7) Assisting the supervising physician in institutional settings, including
46 reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological
47 services, and ordering of therapies, using procedures reviewed and approved by a
48 licensed physician;

49 (8) Assisting in surgery;

50 (9) Performing such other tasks not prohibited by law under the supervision of
51 a licensed physician as the physician's assistant has been trained and is proficient to
52 perform;

53 (10) Physician assistants shall not perform abortions.

54 3. Physician assistants shall not prescribe nor dispense any drug, medicine,
55 device or therapy independent of consultation with the supervising physician, nor
56 prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the
57 measurement of visual power or visual efficiency of the human eye, nor administer or
58 monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric
59 procedures. Prescribing and dispensing of drugs, medications, devices or therapies by
60 a physician assistant shall be pursuant to a physician assistant supervision agreement
61 which is specific to the clinical conditions treated by the supervising physician and the
62 physician assistant shall be subject to the following:

63 (1) A physician assistant shall not prescribe controlled substances;

64 (2) The types of drugs, medications, devices or therapies prescribed or dispensed
65 by a physician assistant shall be consistent with the scopes of practice of the physician
66 assistant and the supervising physician;

67 (3) All prescriptions shall conform with state and federal laws and regulations
68 and shall include the name, address and telephone number of the physician assistant
69 and the supervising physician;

70 (4) A physician assistant or advanced practice nurse as defined in section
71 335.016, RSMo, may request, receive and sign for noncontrolled professional samples and
72 may distribute professional samples to patients;

73 (5) A physician assistant shall not prescribe any drugs, medicines, devices or
74 therapies the supervising physician is not qualified or authorized to prescribe; and

75 (6) A physician assistant may only dispense starter doses of medication to cover
76 a period of time for seventy-two hours or less.

77 4. A physician assistant shall clearly identify himself or herself as a physician
78 assistant and shall not use or permit to be used in the physician assistant's behalf the

79 terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician
80 or surgeon. No physician assistant shall practice or attempt to practice without
81 physician supervision or in any location where the supervising physician is not
82 immediately available for consultation, assistance and intervention, except in an
83 emergency situation, nor shall any physician assistant bill a patient independently or
84 directly for any services or procedure by the physician assistant.

85 5. [The physician assistant shall be a person who is a graduate of a physician
86 assistant program accredited by the American Medical Association's Committee on Allied
87 Health Education and Accreditation or its successor or is certified by a national
88 nongovernmental agency or association, who has passed the National Commission on
89 Certification of Physician Assistants examination and has active certification by the
90 National Commission on Certification of Physician Assistants or its successor. A person
91 who has been employed as a physician assistant for three years prior to August 28, 1989,
92 and has passed the National Commission on Certification of Physician Assistants
93 examination shall be deemed to have met the academic requirements necessary for
94 licensing.

95 6.] For purposes of this section, the licensing of physician assistants shall take
96 place within processes established by the state board of registration for the healing arts
97 through rule and regulation. The board of healing arts is authorized to establish rules
98 pursuant to chapter 536, RSMo, establishing licensing and renewal procedures,
99 supervision, supervision agreements, fees, and addressing such other matters as are
100 necessary to protect the public and discipline the profession. An application for licensing
101 may be denied or the license of a physician assistant may be suspended or revoked by
102 the board in the same manner and for violation of the standards as set forth by section
103 334.100, or such other standards of conduct set by the board by rule or
104 regulation. Persons licensed pursuant to the provisions of chapter 335, RSMo, shall not
105 be required to be licensed as physician assistants.

106 [7.] 6. "Physician assistant supervision agreement" means a written agreement,
107 jointly agreed upon protocols or standing order between a supervising physician and a
108 physician assistant, which provides for the delegation of health care services from a
109 supervising physician to a physician assistant and the review of such services.

110 [8.] 7. When a physician assistant supervision agreement is utilized to provide
111 health care services for conditions other than acute self-limited or well-defined problems,
112 the supervising physician or other physician designated in the supervision agreement,
113 shall see the patient for evaluation and approve or formulate the plan of treatment for
114 new or significantly changed conditions as soon as practical, but in no case more than

115 two weeks after the patient has been seen by the physician assistant.

116 [9.] 8. At all times the physician is responsible for the oversight of the activities
117 of, and accepts responsibility for, health care services rendered by the physician
118 assistant.

**334.1000. Sections 334.1000 to 334.1024 shall be known and may be cited
2 as the "Medical Imaging and Radiation Therapy Quality Assurance Act of
3 2005".**

**334.1003. As used in sections 334.1000 to 334.1024, the following terms
2 mean:**

3 (1) "Board", the medical imaging and radiation therapy board of
4 examiners created in section 334.1012;

5 (2) "Chiropractic radiologist", a physician certified by the American
6 Chiropractic Board of Radiology;

7 (3) "Dental radiographer", a person, other than a licensed practitioner,
8 dental assistant working under direct supervision of a licensed practitioner
9 required under chapter 332, RSMo, or person who administers medical
10 imaging or radiation therapy procedures on humans, whose duties are
11 restricted to radiography of the maxilla and mandible for diagnostic
12 purposes;

13 (4) "Director", the director of the division of professional registration
14 within the department of economic development;

15 (5) "License", a certificate issued by the board authorizing the licensee
16 to use radioactive materials, medical imaging, or radiation therapy equipment
17 on humans for diagnostic or therapeutic purposes in accordance with sections
18 334.1000 to 334.1024;

19 (6) "Licensed practitioner", a person licensed to practice medicine,
20 dentistry, podiatry, chiropractic, osteopathy, veterinary medicine, or as a
21 registered nurse or dental hygienist in this state;

22 (7) "Limited permit", a certificate issued by the board authorizing a
23 person to conduct diagnostic radiology examinations that is limited to the
24 performance of specific medical imaging procedures on specific parts of the
25 human body, such as chest, spine, or extremity radiography;

26 (8) "Medical imaging", any procedures or article intended for use in the
27 diagnosis of disease or other medical or dental conditions, including but not
28 limited to diagnostic X-rays and nuclear medicine;

29 (9) "Nuclear medicine technologist", a person, other than a licensed
30 practitioner, who uses radiopharmaceutical agents on humans for diagnostic

31 or therapeutic purposes;

32 (10) "Persons who administer medical imaging or radiation therapy
33 procedures", any person, other than a licensed practitioner, who intentionally
34 administers medical imaging or radiation therapy procedures to other
35 persons for medical purposes, and including, but not limited to,
36 radiographers, radiation therapists, and nuclear medicine technologists,
37 licensed under sections 334.1000 to 334.1024;

38 (11) "Public member", a person who is a resident of this state but who
39 is not a licensed practitioner, person who administers medical imaging and
40 radiation therapy procedures, or dental radiographer under sections 334.1000
41 to 334.1024;

42 (12) "Radiation therapist", a person, other than a licensed practitioner,
43 who applies radiation to humans for therapeutic purposes;

44 (13) "Radiation therapy", any radiation procedure or article intended
45 for the cure, mitigation, or prevention of disease in humans;

46 (14) "Radiologic physicist", a person who is certified by the American
47 Board of Radiology in radiological physics or one of the subspecialties of
48 radiological physics, or is eligible for such certification;

49 (15) "Radiographer", a person, other than a licensed practitioner, who
50 applies radiation to humans for diagnostic purposes;

51 (16) "Radiologist", a physician certified by the American Board of
52 Radiology or the American Osteopathic Board of Radiology, the American
53 Chiropractic Board of Radiology, the British Royal College of Radiology, or
54 the Canadian College of Physicians and Surgeons;

55 (17) "Temporary license", a certificate issued by the board authorizing
56 an applicant to perform medical imaging and radiation therapy procedures
57 when his or her licensure or relicensure is pending before the board and
58 when issuance may be justified by special circumstances as determined by the
59 board.

334.1006. 1. No person, other than a licensed practitioner, person who
2 administers medical imaging and radiation therapy procedures, or dental
3 radiographer shall perform medical imaging or radiation therapy procedures
4 on humans for diagnostic or therapeutic purposes.

5 2. The board shall establish licensure standards consistent with
6 national accreditation standards for the radiographer (R), radiation therapist
7 (T), nuclear medicine technologist (N), dental radiographer (D), limited
8 permit holder, and temporary license holder. Persons holding such licenses

9 shall be recognized by this nomenclature.

10 3. A person holding a license under sections 334.1000 to 334.1024 shall
11 use radioactive substances or equipment for medical imaging and radiation
12 therapy procedures on humans only for diagnostic or therapeutic purposes
13 at the direction of a licensed practitioner, and only if the application of a
14 substance or the use of equipment is limited in a manner specified in sections
15 334.1000 to 334.1024.

16 4. Nothing in sections 334.1000 to 334.1024 relating to medical imaging,
17 radiation therapy, or dental radiography shall limit, enlarge, or affect the
18 practice of licensed practitioners as defined in section 334.1003.

19 5. The requirement of a license shall not apply to a resident physician
20 or a student enrolled in and attending a school or college of medicine,
21 osteopathy, chiropractic, podiatry, dentistry, dental hygiene, medical imaging,
22 or radiation therapy who performs medical imaging or radiation therapy
23 procedures on humans while under the supervision of a licensed practitioner
24 or direct supervision of a radiographer, radiation therapist, or nuclear
25 medicine technologist holding a license under sections 334.1000 to 334.1024.

26 6. The provisions of sections 334.1000 to 334.1024 shall not apply to
27 persons performing sonography services or bone density studies.

334.1009. 1. There is hereby established the "Medical Imaging and
2 Radiation Therapy Board of Examiners" which shall consist of twelve
3 members appointed by the governor with the advice and consent of the
4 senate. All members of the board shall be residents of this state. Of the
5 twelve board members, five shall be persons who administer medical imaging
6 and radiation therapy procedures, three shall be radiologists, one of whom
7 shall be a chiropractic radiologist, two shall be other licensed practitioners,
8 one shall be a radiologic physicist, and one shall be a public member.

9 2. The term of office for each member of the board shall be three years;
10 except that, of the members first appointed four shall be appointed to a term
11 of one year, four shall be appointed to a term of two years, and four shall be
12 appointed to a term of three years. Vacancies shall be filled for an unexpired
13 term only in the manner provided by original appointment.

14 3. Persons who administer medical imaging or radiation therapy
15 procedures appointed to the board for terms beginning thirty-six months
16 following issuance of a license in any category by the board shall hold a valid
17 license in any category issued by the board.

18 4. Members of the board shall not receive compensation for their

19 service on the board, but may be reimbursed for reasonable and necessary
20 expenses incurred in the performance of their official duties as members of
21 the board.

22 5. The director of the division of professional registration shall
23 designate an officer or employee of the state to act as a secretary of the board
24 who shall not be a member of the board. The director shall furnish staff,
25 logistics, budget, and other support to the board as appropriate.

26 6. No public member shall have any association or relationship with a
27 licensed practitioner, person who administers medical imaging or radiation
28 therapy procedures, or dental radiographer that would prevent or in any way
29 hinder the public member in representing the interest of the public.

30 7. For administrative purposes, the board shall meet at least once every
31 three months at times and places of its choosing. The first meeting of the
32 board shall be for organization only, in which the board will set forth its
33 responsibilities and rules.

34 8. A majority of the voting members shall constitute a quorum. No
35 action shall be taken by the board except by an affirmative vote of the
36 majority of those members present and voting.

37 9. The board shall be responsible for setting and implementing policies
38 for licensing individuals, accrediting programs, imposing discipline, and
39 hearing appeals.

334.1012. 1. The board shall admit to examination for licensure any
2 applicant who pays a nonrefundable fee established by rule of the board and
3 submits satisfactory evidence, verified by oath or affirmation, that the
4 applicant:

5 (1) At the time of application, the applicant is at least eighteen years
6 of age; and

7 (2) Has successfully completed a four-year course of study in a
8 secondary school approved by the state board of education, or passed an
9 approved equivalency test.

10 2. In addition to the requirements in subsection 1 of this section, any
11 person seeking to obtain a license in a specific area of medical imaging and
12 radiation therapy shall comply with the following requirements:

13 (1) Each applicant for a license as a radiographer, radiation therapist,
14 nuclear medicine technologist, or dental radiographer shall have
15 satisfactorily completed a course of study in radiography, radiation therapy,
16 nuclear medicine, or dental radiography, respectively, or an equivalent to be

17 **determined by the board;**

18 **(2) The curriculum for each course of study shall be based on the**
19 **standards approved by the Joint Review Committee on Education in**
20 **Radiologic Technology, the Joint Review Committee on Nuclear Medicine**
21 **Technology, or other appropriate accreditation agencies approved by the**
22 **board.**

23 **3. The board shall establish criteria and standards within the state for**
24 **educational programs in medical imaging and radiation therapy consistent**
25 **with national accreditation standards, and approve such programs upon**
26 **finding that the criteria and standards have been met.**

27 **4. In addition to the requirements in subsection 1 of this section, any**
28 **person seeking a license in dental radiography shall comply with the**
29 **following requirements:**

30 **(1) Each applicant for a license as a dental radiographer shall have**
31 **satisfactorily completed a course of study for dental radiography, or its**
32 **equivalent, as determined by the board; and**

33 **(2) The curriculum for the course of study may follow, and shall be no**
34 **less stringent than the standards approved by the Section on Oral Radiology**
35 **of the American Association of Dental Schools, provided such standards are**
36 **not in conflict with board policy.**

37 **5. In addition to the requirements of subsection 1 of this section, the**
38 **scope of each limited permit is restricted as follows:**

39 **(1) Chest radiography permit: radiography of the thorax, heart, and**
40 **lungs;**

41 **(2) Skeletal radiography permit: radiography of the upper and lower**
42 **extremities, or the vertebral column.**

43 **6. The board shall waive the examination and education requirements**
44 **for licensure of a person who has been employed on a full-time basis for a**
45 **minimum of three of the immediately preceding five years as a radiographer,**
46 **radiation therapist, nuclear medicine technologist, or dental**
47 **radiographer. Such person shall have a minimum of two years to meet the**
48 **continuing education requirements set by the board for renewal of licensure.**

49 **7. The board shall be authorized to study the impact of waiving the**
50 **licensure requirements for persons who use equipment powered by no more**
51 **than one hundred ten volt electricity and, if after analysis the board**
52 **determines the benefit to outweigh the risk to the public, the board may issue**
53 **a rule waiving such licensure requirement.**

54 8. (1) There is hereby created in the state treasury the "Medical
55 Imaging and Radiation Therapy Licensure Fund", which shall consist of
56 money collected pursuant to sections 334.1000 to 334.1024. The state treasurer
57 shall be custodian of the fund and shall disburse moneys from the fund in
58 accordance with sections 30.170 and 30.180, RSMo. Upon appropriation,
59 money in the fund shall be used solely for the administration of sections
60 334.1000 to 334.1024.

61 (2) Notwithstanding the provisions of section 33.080, RSMo, to the
62 contrary, any moneys remaining in the fund at the end of the biennium shall
63 not revert to the credit of the general revenue fund.

64 (3) The state treasurer shall invest moneys in the fund in the same
65 manner as other funds are invested. Any interest and moneys earned on such
66 investments shall be credited to the fund.

 334.1015. 1. An approved program of medical imaging and radiation
2 therapy may be offered by a medical, chiropractic, or dental facility,
3 educational institution, chiropractic college, or other public or private agency
4 or institution. The program shall be affiliated with one or more hospitals or
5 dental schools or chiropractic colleges that, in the opinion of the board and
6 the appropriate accrediting agency, shall provide the requisite clinical
7 education.

8 2. The board shall by rule:

9 (1) Adopt procedures for an educational program to follow in making
10 application for accreditation;

11 (2) Provide a process for review of such accreditation by an existing
12 accreditation agency and approval by a recognized national voluntary
13 accrediting organization.

 334.1018. 1. Each applicant for licensure shall be required to pass a
2 license examination designed and approved by the board.

3 2. The board shall hold an examination at least every six months at
4 times and places as the board may determine.

5 3. An applicant who fails to pass the examination may reapply for the
6 examination provided the applicant complies with the rules established by
7 the board.

8 4. The board shall accept in lieu of its own examination:

9 (1) A current certificate by the American Registry of Radiologic
10 Technologists or Nuclear Medicine Technologist Certification Board;

11 (2) A current certificate issued on the basis of a satisfactory completion

12 of the certification examination given by the Dental Assisting National Board,
13 Inc., or the National Board of Dental Examiners;

14 (3) A limited scope radiography examination administered by the
15 American Registry of Radiologic Technologists or the American Chiropractic
16 Radiology Registry of Technologists for persons applying for a limited permit
17 in chest, extremity, or spine radiography.

18 5. The board may accept in lieu of its own examination:

19 (1) A current certificate from a recognized national voluntary
20 credentialing body not described in subsection 4 of this section that is issued
21 on the basis of an examination satisfactory to the board; provided that the
22 standards of such credentialing body are at least as stringent as those
23 established by the board;

24 (2) A current certificate, registration, or license as a person who
25 administers medical imaging and radiation therapy procedures issued by
26 another state; provided that the standards in the other state are at least as
27 stringent as those established by the board;

28 (3) A current certificate from a recognized national voluntary
29 credentialing body not described in subsection 4 of this section for persons
30 applying for a limited permit in chest, extremity, or spine radiography;
31 provided that the standards of such credentialing body are at least as
32 stringent as those established by the board.

334.1021. 1. The board may issue a license to each applicant who has
2 either successfully passed the examination or qualified under subsection 4 or
3 5 of section 334.1018 and has paid the prescribed fees.

4 2. The board may at its discretion issue a temporary license to any
5 person whose licensure or relicensure may be pending and when issuance
6 may be justified by special circumstances. A temporary license shall be
7 issued only if the board finds that it will not violate the purpose of sections
8 334.1000 to 334.1024 or endanger the public health and safety. A temporary
9 license shall expire ninety days after the date of the next examination if the
10 applicant is required to take the examination, or if the applicant does not
11 take the examination, then on the date of the examination. In all cases, a
12 temporary license shall expire when the determination is made either to issue
13 or deny the applicant a regular license and in no event shall a temporary
14 license be issued for a period longer than one hundred eighty days.

15 3. Holders of a license under sections 334.1000 to 334.1024 shall display
16 the official license document or a verified copy in each place of regular

17 **employment.**

18 **4. The board shall renew a license for a period of two years upon**
19 **payment of the renewal fee set by the board. Continuing education**
20 **requirements may also be set by rule of the board.**

21 **5. A licensee holding a license or permit under sections 334.1000 to**
22 **334.1024 whose license has lapsed and who has ceased activities as such for**
23 **more than five years may apply for relicensure upon payment of a fee set by**
24 **the board. Continuing education requirements may also be set by the board.**

25 **6. A licensee holding a license or permit under sections 334.1000 to**
26 **334.1024 shall notify the board in writing within thirty days of any name or**
27 **address change.**

334.1024. 1. The license of a licensee or permittee holding a license or
2 **permit under sections 334.1000 to 334.1024 may be suspended or revoked, or**
3 **the individual may be censured, reprimanded, or otherwise sanctioned by the**
4 **board in accordance with the provisions and procedures of sections 334.1000**
5 **to 334.1024 if, after due process, it is found that the individual:**

6 **(1) Is guilty of fraud or deceit in the procurement or holding of the**
7 **license or permit;**

8 **(2) Has been convicted of a felony in a court of competent jurisdiction,**
9 **either within or outside of this state, unless the conviction has been reversed**
10 **and the holder of the license or permit is discharged or acquitted, or if the**
11 **holder has been pardoned with full restoration of civil rights in which case**
12 **the license or permit shall be restored;**

13 **(3) Is or has been afflicted with any medical problem, disability, or**
14 **addiction which in the opinion of the board would impair professional**
15 **competence;**

16 **(4) Has aided and abetted a person who is not a licensee or permittee**
17 **holding a license under sections 334.1000 to 334.1024 or otherwise authorized**
18 **by subsection 3 of section 334.1009 to perform the duties of a license or permit**
19 **holder;**

20 **(5) Has undertaken or engaged in any practice beyond the scope of**
21 **duties permitted a license or permit holder under sections 334.1000 to**
22 **334.1024;**

23 **(6) Has impersonated a licensee or permittee or former licensee or**
24 **former permittee, or is performing duties of a dental radiographer, or a**
25 **person who administers medical imaging or radiation therapy procedures**
26 **under an assumed name;**

27 (7) Has been found guilty of violations of a code of ethics that the
28 board may establish by rule;

29 (8) Has performed medical imaging or radiation therapy procedures
30 without supervision of a licensed practitioner, or radiographer, radiation
31 therapist, nuclear medicine technologist holding a license under sections
32 334.1000 to 334.1024;

33 (9) Has interpreted a diagnostic image for a physician, a patient, the
34 patient's family, or the public;

35 (10) Is or has been found guilty of incompetence or negligence in his
36 or her performance as a license or permit holder.

37 Any person aggrieved by an official action of the board affecting the licensed
38 status of a person under the provisions of sections 334.1000 to 334.1024,
39 including the refusal to grant, the granting, the revocation, the suspension,
40 or the failure to renew a license, may seek a determination thereon by the
41 administrative hearing commission pursuant to the provisions of section
42 621.045, RSMo, and it shall not be a condition to such determination that the
43 person aggrieved seek a reconsideration, a rehearing, or exhaust any other
44 procedure with the board.

45 2. Proceedings against the holder of a license or permit under sections
46 334.1000 to 334.1024 shall be commenced by filing a written charge or charges
47 with the board. A person, corporation, association, public officer, or the
48 board may bring the charge or charges. The board may refuse to issue or
49 renew any license or permit required under sections 334.1000 to 334.1024 for
50 one or any combination of causes stated in subsection 1 of this section. The
51 board shall notify the licensee or permittee in writing of the reasons for the
52 refusal and shall advise the licensee or permittee of his or her right to file a
53 complaint with the administrative hearing commission as provided by chapter
54 621, RSMo.

55 3. When the license or permit of any person has been revoked,
56 reapplication to the board may be made no sooner than two years after the
57 date of the board's order revoking the license or permit.

58 4. No person shall knowingly employ as a radiographer, radiation
59 therapist, nuclear medicine technologist, dental radiographer, or any person
60 to perform medical imaging or radiation therapy procedures who does not
61 hold a license under sections 334.1000 to 334.1024.

62 5. Any person who violates the provisions of sections 334.1000 to
63 334.1024, or any rule or order made under sections 334.1000 to 334.1024, is

64 **guilty of a class A misdemeanor and shall be subject to the sanctions of**
65 **subsection 2 of this section, or other appropriate punishment.**

66 **6. Any rule or portion of a rule, as that term is defined in section**
67 **536.010, RSMo, that is created under the authority delegated in sections**
68 **334.1000 to 334.1024 shall become effective only if it complies with and is**
69 **subject to all of the provisions of chapter 536, RSMo, and, if applicable,**
70 **section 536.028, RSMo. Sections 334.1000 to 334.1024 and chapter 536, RSMo,**
71 **are nonseverable and if any of the powers vested with the general assembly**
72 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to**
73 **disapprove and annul a rule are subsequently held unconstitutional, then the**
74 **grant of rulemaking authority and any rule proposed or adopted after August**
75 **28, 2005, shall be invalid and void.**

76 **7. Any person licensed to practice veterinary medicine under chapter**
77 **340, RSMo, is exempt from the provisions of sections 334.1000 to 334.1024,**
78 **except for section 334.1018, when acting within such person's scope of**
79 **practice.**

335.068. 1. If the board finds merit to a complaint [by an individual incarcerated
2 or under the care and control of the department of corrections] and takes further
3 investigative action, no documentation may appear on file or disciplinary action may be
4 taken in regards to the licensee's license unless the provisions of subsection 2 of section
5 335.066 have been violated. Any case file documentation that does not result in the
6 board filing an action pursuant to subsection 2 of section 335.066 shall be destroyed
7 within three months after the final case disposition by the board. No notification to any
8 other licensing board in another state or any national registry regarding any
9 investigative action shall be made unless the provisions of subsection 2 of section
10 335.066 have been violated.

11 2. Upon written request of the nurse subject to a complaint, prior to August 28,
12 1999, [by an individual incarcerated or under the care and control of the department of
13 corrections] that did not result in the board filing an action pursuant to subsection 2 of
14 section 335.066, the board and the division of professional registration shall in a timely
15 fashion:

16 (1) Destroy all documentation regarding the complaint;

17 (2) Notify any other licensing board in another state or any national registry
18 regarding the board's action if they have been previously notified of the complaint; and

19 (3) Send a letter to the licensee that clearly states that the board found the
20 complaint to be unsubstantiated, that the board has taken the requested action, and

21 notify the licensee of the provisions of subsection 3 of this section.

22 3. Any person who has been the subject of an unsubstantiated complaint as
23 provided in subsection 1 or 2 of this section shall not be required to disclose the
24 existence of such complaint in subsequent applications or representations relating to
25 their nursing professions.

 337.500. As used in sections 337.500 to [337.540] **337.565**, unless the context
2 clearly requires otherwise, the following words and phrases mean:

3 (1) ["Committee", the committee for professional counselors] **"Board", the board**
4 **of counselors and therapists established under section 337.543;**

5 (2) "Department", the Missouri department of economic development;

6 (3) "Director", the director of the division of professional registration in the
7 department of economic development;

8 (4) "Division", the division of professional registration;

9 (5) **"Fund", the board of counselors and therapists fund created by**
10 **section 337.555;**

11 (6) "Licensed professional counselor", any person who offers to render
12 professional counseling services to individuals, groups, organizations, institutions,
13 corporations, government agencies or the general public for a fee, monetary or otherwise,
14 implying that the person is trained, experienced, and licensed in counseling, and who
15 holds a current, valid license to practice counseling;

16 [(6)] (7) "Practice of professional counseling", rendering, offering to render, or
17 supervising those who render to individuals, couples, groups, organizations, institutions,
18 corporations, schools, government agencies, or the general public any counseling service
19 involving the application of counseling procedures, and the principles and methods
20 thereof, to assist in achieving more effective intrapersonal or interpersonal, marital,
21 decisional, social, educational, vocational, developmental, or rehabilitative adjustments;

22 [(7)] (8) "Professional counseling", includes, but is not limited to:

23 (a) The use of verbal or nonverbal counseling or both techniques, methods, or
24 procedures based on principles for assessing, understanding, or influencing behavior
25 (such as principles of learning, conditioning, perception, motivation, thinking, emotions,
26 or social systems);

27 (b) Appraisal or assessment, which means selecting, administering, scoring, or
28 interpreting instruments designed to assess a person's or group's aptitudes, intelligence,
29 attitudes, abilities, achievement, interests, and personal characteristics;

30 (c) The use of referral or placement techniques or both which serve to further the
31 goals of counseling;

32 (d) Therapeutic vocational or personal or both rehabilitation in relation to coping
33 with or adapting to physical disability, emotional disability, or intellectual disability or
34 any combination of the three;

35 (e) Designing, conducting, and interpreting research;

36 (f) The use of group methods or techniques to promote the goals of counseling;

37 (g) The use of informational and community resources for career, personal, or
38 social development;

39 (h) Consultation on any item in paragraphs (a) through (g) above; and

40 (i) No provision of sections 337.500 to 337.540, or of chapter 354 or 375, RSMo,
41 shall be construed to mandate benefits or third-party reimbursement for services of
42 professional counselors in the policies or contracts of any insurance company, health
43 services corporation or other third-party payer;

44 [(8)] (9) "Provisional licensed professional counselor", any person who is a
45 graduate of an acceptable educational institution, as defined by division rules, with at
46 least a master's degree with a major in counseling, or its equivalent, and meets all
47 requirements of a licensed professional counselor, other than the supervised counseling
48 experience prescribed by subdivision (1) of section 337.510, and who is supervised by a
49 person who is qualified for the practice of professional counseling.

337.505. No person shall use the title of "professional counselor", "counselor" or
2 "provisional licensed professional counselor" or engage in the practice of professional
3 counseling in this state unless the person is licensed as required by the provisions of
4 sections 337.500 to [337.540] **337.565**. Sections 337.500 to [337.540] **337.565** do not
5 apply to:

6 (1) Any person registered, certificated or licensed by this state, another state, or
7 any recognized national certification agent, acceptable to the [committee] **board**, to
8 practice any other occupation or profession while rendering counseling service in the
9 performance of the occupation or profession for which the person is registered,
10 certificated, or licensed, including but not limited to physicians, psychologists and
11 attorneys;

12 (2) School counselors, school administration personnel, or classroom teachers, so
13 long as they are performing their assigned duties within the scope of their employment
14 by a board of education or private school;

15 (3) Counselors in postsecondary educational institutions so long as they are
16 practicing within the scope of their employment;

17 (4) Student interns or trainees in counseling procedures pursuing a course of
18 study in counseling in an institution of higher education or training institution if such

19 activities and services constitute a part of their course of study and provided that such
20 persons are designated as "counselor interns";

21 (5) Professionals employed by postsecondary educational institutions as counselor
22 educators so long as they are practicing counseling within the scope of their employment;

23 (6) Duly ordained ministers [or], clergy [or], religious workers, **or staff**
24 **counselors** while functioning in their ministerial capacity **or in a religious**
25 **institution or religious counseling ministries program;**

26 (7) Alcoholism counselors so long as they serve only individuals with alcohol
27 related concerns;

28 (8) Any nonresident temporarily employed in this state to render counseling
29 services for not more than thirty days in any year, if in the opinion of the [committee]
30 **board** the person would qualify for a license pursuant to the provisions of sections
31 337.500 to [337.540] **337.565**, and if the person holds a license required for counselors
32 in the person's home state or country;

33 (9) Duly accredited Christian Science practitioners, so long as they are practicing
34 within the scope of Christian Science principles;

35 (10) Counselors employed by the Missouri state department of elementary and
36 secondary education or the Missouri state bureau for the blind while rendering
37 counseling services in the performance of their state assigned duties;

38 (11) Professionals employed by vocational and medical rehabilitation facilities
39 accredited by the commission on the accreditation of rehabilitation facilities, the joint
40 committee on accreditation of hospitals or other agents acceptable to the [committee]
41 **board** while rendering counseling services in the performance of their assigned duties,
42 and so long as they do not use the title of "counselor";

43 (12) Employees or volunteers of sheltered workshops who are providing
44 meaningful employment services for handicapped workers, so long as they do not use the
45 "counselor" title;

46 (13) [Marital therapists or family therapists or both, certified by the American
47 Association of Marriage and Family Therapists or an agent acceptable to the committee,
48 and their supervisees, so long as they serve only individuals with marital or family
49 systems concerns, and, so long as they do not use the titles of "counselor" or "counseling";

50 (14) Staff counselors employed by religious institutions in a religious counseling
51 ministries program;

52 (15)] Drug abuse counselors certified by the department of mental health as
53 meeting standards in rules promulgated pursuant to section 630.655, RSMo, certified by
54 the Missouri substance abuse counselors certification board, or by an agent acceptable

55 to the committee, so long as such counselors are practicing consistent with such
56 standards, and they are serving only individuals with drug-related concerns;

57 [(16) Social workers, certified by the National Association of Social Workers, Inc.,
58 or by an agent acceptable to the committee, or workers under their supervision so long
59 as they are doing work consistent with their training and with a code of ethics of the
60 social work profession, and so long as they do not use the title of "professional
61 counselor";

62 [(17)] (14) Professionals in the employ of a governmental agency while rendering
63 services in the performance of their duties;

64 [(18) Any person performing counseling, as defined in sections 337.500 to
65 337.540, without receiving compensation, monetary or otherwise, and so long as they do
66 not use the title of "professional counselor";

67 [(19)] (15) Employment counselors and interviewers, personnel officers, personnel
68 analysts and consultants and related workers who in the normal course of their duties
69 and responsibilities as employees of this state may engage in the screening, examination,
70 assessment, referral or selection of individuals for employment or for consideration for
71 employment;

72 [(20)] (16) Counselors and employees of employee assistance programs [which]
73 **that** are members of the Association of Labor-Management Administrators and
74 Consultants on Alcoholism, Inc., a Wisconsin corporation, or its successors or such other
75 accrediting body for EAP Programs acceptable to the [committee] **board** who provide
76 evaluation, assessment, information, and referral services so long as they are performing
77 their assigned duties within the scope of their employment; provided, however, that this
78 exemption shall not apply to individuals employed by employee assistance programs who
79 provide direct long-term therapy and counseling services, as may be defined by
80 regulation, so long as they do not use the title of counselor or counseling;

81 [(21)] (17) Individuals who are duly certified by the employee assistance
82 certification commission as administered by the Association of Labor-Management
83 Administrators and Consultants on Alcoholism, Inc., a Wisconsin corporation, or its
84 successor; so long as the individual is an employee of a generally recognized employee
85 assistance program and so long as such individual is performing services within the
86 scope of such individual's employment and education;

87 [(22)] (18) Weight loss or weight control consultants or advisors in recognized,
88 legitimate programs or business environments so long as they serve only individuals or
89 groups who have weight related concerns and discuss only weight improvement issues
90 and do not use the titles of "counselor" or "counseling" without using an adjective which

91 describes to the ordinary person that the counseling is limited to weight loss or weight
92 control;

93 [(23)] (19) Activity therapists as certified or licensed by their respective
94 professional organizations including, but not limited to art, music, dance, recreation, and
95 occupation, and who have received certification or licensure by their respective
96 professional organizations by January 1, 1994, so long as they do not use the titles of
97 "counselor" or "counseling";

98 [(24)] (20) Professionals certified by the American Board of Medical
99 Psychotherapists and who have received certification from the American Board of
100 Medical Psychotherapists by January 1, 1994, so long as they do not use the titles of
101 "counselor" or "counseling"; [and

102 (25) Transactional analysts certified by the International Transactional Analysis
103 Association and who have received certification from the International Transactional
104 Analysis Association as a level one transactional analyst, specializing in clinical
105 application by January 1, 1994, so long as they do not use the titles of "counselor" or
106 "counseling";] or

107 [(26)] (21) Any person with a doctoral degree in anthropology received on or
108 prior to December 31, 1989, and which was from an educational institution accredited
109 by one of the regional accrediting associations approved by the council on postsecondary
110 accreditation; provided further that said individual has completed at least twenty-four
111 months of supervised clinical experience in psychotherapy under the supervision of a
112 physician.

337.507. 1. Applications for examination and licensure as a professional
2 counselor shall be in writing, submitted to the [division] **board** on forms prescribed by
3 the [division] **board** and furnished to the applicant. The application shall contain the
4 applicant's statements showing [his] **the applicant's** education, experience and such
5 other information as the [division] **board** may require. Each application shall contain
6 a statement that it is made under oath or affirmation [and] that the information
7 contained therein is true and correct to the best knowledge and belief of the applicant,
8 subject to the penalties provided for the making of a false affidavit or declaration. Each
9 application shall be accompanied by the fees required by the [committee] **board**.

10 2. The division shall mail a renewal notice to the last known address of each
11 licensee prior to the [registration] **license** renewal date. **Notwithstanding this**
12 **notice requirement, the failure to receive a license renewal notification from**
13 **the division shall not excuse the licensee from renewing his or her license as**
14 **required by law.** Failure to provide the division with the information required for

15 [registration] **license renewal**, or to pay the [registration fee after such notice shall
16 effect a revocation of the license after] **license renewal fee within** a period of sixty
17 days from the [registration] **license renewal date shall cause the license to**
18 **expire**. The license shall be restored if, within two years of the [registration] **license**
19 **renewal** date, the applicant [provides] **submits** written application and the payment
20 of the [registration] **license renewal** fee and a delinquency fee.

21 3. A new certificate to replace any certificate lost, destroyed or mutilated may be
22 issued subject to the rules of the [committee] **board**, upon payment of a fee.

23 4. The [committee] **board** shall set the amount of the fees [which] **authorized**
24 **by** sections 337.500 to [337.540 authorize and require by rules and regulations
25 promulgated pursuant to section 536.021, RSMo] **337.565**. The fees shall be set at a
26 level to produce revenue [which] **that** shall not substantially exceed the cost and
27 expense of administering the provisions of sections 337.500 to [337.540] **337.565**. All
28 fees provided for in sections 337.500 to [337.540] **337.565** shall be collected by the
29 director who shall deposit the same with the state treasurer in [a fund to be known as
30 the "Committee of Professional Counselors Fund"] **the board of counselors and**
31 **therapists fund established under section 337.555**.

32 5. [The provisions of section 33.080, RSMo, to the contrary notwithstanding,
33 money in this fund shall not be transferred and placed to the credit of general revenue
34 until the amount in the fund at the end of the biennium exceeds two times the amount
35 of the appropriation from the committee's fund for the preceding fiscal year or, if the
36 committee requires by rule renewal less frequently than yearly then three times the
37 appropriation from the committee's fund for the preceding fiscal year. The amount, if
38 any, in the fund which shall lapse is that amount in the fund which exceeds the
39 appropriate multiple of the appropriations from the committee's fund for the preceding
40 fiscal year.

41 6. The committee shall hold public examinations at least two times per year, at
42 such times and places as may be fixed by the committee, notice of such examinations to
43 be given to each applicant at least ten days prior thereto] **The board shall designate**
44 **an examination as defined by rule for applicants seeking licensure as**
45 **professional counselors or marital and family therapists**.

46 6. **If a license has expired for more than two years and the applicant**
47 **does not hold a valid, unrevoked, unsuspended license as a professional**
48 **counselor in another state at the time of application to the board, the**
49 **applicant shall pay the required fee and obtain continuing education relating**
50 **to the practice of professional counseling as defined by board**

51 **rule. Continuing education required under this subsection shall not exceed**
52 **twenty hours of continuing education credit.**

337.510. 1. Each applicant for licensure as a professional counselor shall furnish
2 evidence to the [committee] **board** that:

3 (1) The applicant has met any one of the three following education-experience
4 requirements:

5 (a) The applicant has received a doctoral degree with a major in counseling, or
6 its equivalent, from an acceptable educational institution, as defined by [division] **board**
7 rules, and has completed at least one year of acceptable supervised counseling experience
8 subsequent to receipt of the doctoral degree; or

9 (b) The applicant has received a specialist's degree with a major in counseling,
10 or its equivalent, from an acceptable educational institution, as defined by [division]
11 **board** rules, and has completed at least one year of acceptable supervised counseling
12 experience subsequent to receipt of the specialist's degree; or

13 (c) The applicant has received at least a master's degree with a major in
14 counseling, or its equivalent, from an acceptable educational institution as defined by
15 [division] **board** rules, and has completed two years of acceptable supervised counseling
16 experience subsequent to receipt of the master's degree. An applicant may substitute
17 thirty semester hours of post-master's graduate study, or [their] **the** equivalent, for one
18 of the two required years of acceptable supervised counseling experience, if such hours
19 are clearly related to the field of professional counseling and are earned from an
20 acceptable educational institution.

21 (2) Upon examination, the applicant is possessed of requisite knowledge of the
22 profession, including techniques and applications, research and its interpretation, and
23 professional affairs and ethics.

24 2. [A licensed professional counselor who has had no violations and no
25 suspensions and no revocation of a license to practice professional counseling in any
26 jurisdiction may receive a license in Missouri provided said licensed professional
27 counselor passes a written examination on Missouri laws and regulations governing the
28 practice of professional counseling as defined in section 337.500, and meets one of the
29 following criteria:

30 (1) Is a member in good standing and holds a certification from the National
31 Board for Certified Counselors;

32 (2) Is currently licensed or certified as a licensed professional counselor in
33 another state, territory of the United States, or the District of Columbia; and

34 (a) Meets one of the educational standards set forth in paragraphs (a) and (b) of

35 subdivision (1) of subsection 1 of this section;

36 (b) Has been licensed for the preceding five years; and

37 (c) Has had no disciplinary action taken against the license for the preceding five
38 years; or

39 (3) Is currently licensed or certified as a professional counselor in another state,
40 territory of the United States, or the District of Columbia that extends like privileges for
41 reciprocal licensing or certification to persons licensed by this state with similar
42 qualifications] **Any person holding a current license, certificate of registration
43 or permit from another state or territory of the United States having
44 substantially the same or higher requirements as this state for licensed
45 professional counselors may be granted a license without examination to
46 engage in the practice of professional counseling in this state upon
47 application to the board, payment of the required fee as established by the
48 board under section 337.507, and upon certification by the applicant's current
49 licensing entity that he or she holds a current license and has had no
50 disciplinary action taken against his or her license for the five years
51 immediately preceding application to the board.**

52 3. Any person who previously held a valid unrevoked, unsuspended license as a
53 professional counselor in this state and who held a valid license as a **professional
54 counselor** in another state at the time of application to the [committee] **board** shall
55 be granted a license to engage in professional counseling in this state upon application
56 to the [committee] **board** accompanied by the appropriate fee as established by the
57 [committee pursuant to] **board under** section 337.507.

58 4. **Notwithstanding the provisions of subsection 3 of this section
59 requiring substantially similar licensing requirements, any person holding a
60 current license, certificate of registration or permit from another state or
61 territory of the United States as a professional counselor may be granted a
62 license without examination to engage in the practice of professional
63 counseling in this state upon application to the board, payment of the
64 required fee as established by the board, and completion of the following
65 requirements:**

66 (1) **Certification by the applicant's current licensing entity that he or
67 she hold a current license and has had no disciplinary action taken against
68 his or her license for the five years immediately preceding application to the
69 board; and**

70 (2) **Approval by the American Association of State Counseling Boards**

71 **or its successor organization as a registrant according to the eligibility**
72 **criteria established by the American Association of State Counseling**
73 **Boards. The successor organization shall be defined by board rule.**

74 **5.** The [committee] **board** shall issue a license to each person who files an
75 application and fee as required by the provisions of sections 337.500 to [337.540]
76 **337.565** and who furnishes evidence satisfactory to the [committee] **board** that the
77 applicant has complied with the provisions of subdivisions (1) and (2) of subsection 1 of
78 this section or with the provisions of subsection 2 [or], 3, or 4 of this section **and has**
79 **taken and passed a written, open book examination on Missouri laws and**
80 **regulations governing the practice of professional counseling as defined in**
81 **section 337.500.** The [division] **board** shall issue a provisional professional counselor
82 license to any applicant who meets all requirements of subdivisions (1) and (2) of
83 subsection 1 of this section, but who has not completed the required one or two years of
84 acceptable supervised counseling experience required by paragraphs (a) to (c) of
85 subdivision (1) of subsection 1 of this section, and such applicant may reapply for
86 licensure as a professional counselor upon completion of such acceptable supervised
87 counseling experience.

 337.515. Each license issued pursuant to the provisions of sections 337.500 to
2 [337.540] **337.565** shall expire on the renewal date. The [division] **board** shall renew
3 any license upon application for renewal and upon payment of the fee established by the
4 [committee pursuant to] **board under** the provisions of section 337.507.

 337.520. 1. The [division] **board** shall promulgate rules and regulations
2 pertaining to:

3 (1) The form and content of license applications required by the provisions of
4 sections 337.500 to [337.540] **337.565** and the procedures for filing an application for an
5 initial or renewal license in this state;

6 (2) Fees required by the provisions of sections 337.500 to [337.540] **337.565**;

7 (3) The content, conduct and administration of the licensing examination
8 required by section 337.510;

9 (4) The characteristics of "acceptable supervised counseling experience" as that
10 term is used in section 337.510;

11 (5) The equivalent of the basic educational requirements set forth in section
12 337.510;

13 (6) The standards and methods to be used in assessing competency as a
14 professional counselor;

15 (7) Establishment and promulgation of procedures for investigating, hearing and

16 determining grievances and violations occurring under the provisions of sections 337.500
17 to [337.540] **337.565**;

18 (8) Development of an appeal procedure for the review of decisions and rules of
19 administrative agencies existing under the constitution or laws of this state;

20 (9) Establishment of a policy and procedure for reciprocity with other states,
21 including states which do not have counselor licensing laws or states whose licensing
22 laws are not substantially the same as those of this state;

23 (10) The characteristics of "an acceptable educational institution" as that term
24 is used in section 337.510;

25 (11) The characteristics of an acceptable agent for the certification of an
26 exempted occupation as listed in [subdivisions] **subdivision** (11) [and (13)] of section
27 337.505; and

28 (12) The form and content of "ethical standards for **professional** counselors" as
29 that term is used in subdivision (15) of subsection 2 of section 337.525.

30 2. No rule or portion of a rule promulgated under the authority of sections
31 337.500 to [337.545] **337.565** shall become effective unless it has been promulgated
32 pursuant to the provisions of section 536.024, RSMo.

337.525. 1. The [committee] **board** may refuse to issue or renew any license
2 required by the provisions of sections 337.500 to [337.540] **337.565** for one or any
3 combination of causes stated in subsection 2 of this section. The [committee] **board**
4 shall notify the applicant in writing of the reasons for the refusal and shall advise the
5 applicant of his **or her** right to file a complaint with the administrative hearing
6 commission as provided by chapter 621, RSMo.

7 2. The [committee] **board** may cause a complaint to be filed with the
8 administrative hearing commission as provided by chapter 621, RSMo, against any
9 holder of any license required by sections 337.500 to [337.540] **337.565** or any person
10 who has failed to renew or has surrendered his **or her** license for any one or any
11 combination of the following causes:

12 (1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic
13 beverage to an extent that such use impairs a person's ability to engage in the
14 occupation of professional counselor **except the fact that a person has undergone**
15 **treatment for past substance abuse or alcohol abuse or has participated in a**
16 **recovery program shall not by itself be cause for refusal to issue or renew a**
17 **license**;

18 (2) The person has been finally adjudicated and found guilty, or entered a plea
19 of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of

20 the United States, for any offense reasonably related to the qualifications, functions or
21 duties of a professional counselor; for any offense an essential element of which is fraud,
22 dishonesty or an act of violence; or for any offense involving moral turpitude, whether
23 or not sentence is imposed;

24 (3) Use of fraud, deception, misrepresentation or bribery in securing any license
25 issued pursuant to the provisions of sections 337.500 to [337.540] **337.565** or in
26 obtaining permission to take any examination given or required pursuant to the
27 provisions of sections 337.500 to [337.540] **337.565**;

28 (4) Obtaining or attempting to obtain any fee, charge, tuition or other
29 compensation by fraud, deception or misrepresentation;

30 (5) [Incompetency] **Incompetence**, misconduct, **gross negligence**, fraud,
31 misrepresentation or dishonesty in the performance of the functions or duties of a
32 professional counselor;

33 (6) Violation of, or assisting or enabling any person to violate, any provision of
34 sections 337.500 to [337.540] **337.565**, or of any lawful rule or regulation adopted
35 pursuant to sections 337.500 to [337.540] **337.565**;

36 (7) Impersonation of any person holding a license or allowing any person to use
37 his or her license or diploma from any school;

38 (8) [Revocation or suspension] **Disciplinary action against the holder** of a
39 license or other right to practice counseling granted by another state, territory, federal
40 agency or country upon grounds for which [revocation or suspension] **discipline** is
41 authorized in this state;

42 (9) [A person is finally adjudged] **Final adjudication as** incapacitated by a
43 court of competent jurisdiction;

44 (10) Assisting or enabling any person to practice or offer to practice professional
45 counseling who is not licensed and currently eligible to practice under the provisions of
46 sections 337.500 to 337.540;

47 (11) [Issuance of] **Obtaining** a license based upon a material mistake of fact;

48 (12) Failure to display a valid license if so required by sections 337.500 to
49 [337.540] **337.565** or any rule promulgated hereunder;

50 (13) Violation of any professional trust or confidence;

51 (14) Use of any advertisement or solicitation [which] **that** is false, misleading or
52 deceptive to the general public or persons to whom the advertisement or solicitation is
53 primarily directed;

54 (15) [Being guilty of unethical conduct as defined in] **Violation of** the ethical
55 standards for **professional** counselors [adopted by the division and filed with the

56 secretary of state] **as defined by board rule.**

57 3. Any person, organization, association or corporation [who reports or provides]
58 **reporting or providing** information to the [committee pursuant to] **board under** the
59 provisions of [this chapter] **sections 337.500 to 337.565** and who does so in good faith
60 shall not be subject to an action for civil damages as a result thereof.

61 4. After the filing of such complaint, the proceedings shall be conducted in
62 accordance with the provisions of chapter 621, RSMo. Upon a finding by the
63 administrative hearing commission that the grounds, provided in subsection 2 of this
64 section, for disciplinary action are met, the [committee] **board** may censure or place the
65 person named in the complaint on probation on such terms and conditions as the
66 [committee] **board** deems appropriate for a period not to exceed five years, or may
67 suspend, for a period not to exceed three years, or revoke the license.

337.530. 1. Violation of any provision of sections 337.500 to [337.540] **337.565**
2 shall be a class B misdemeanor.

3 2. All fees or other compensation received for services rendered in violation of
4 sections 337.500 to [337.540] **337.565** shall be refunded.

5 3. The [department] **board** may sue in its own name in any court in this
6 state. The [department] **board** shall inquire diligently as to any violation of sections
7 337.500 to [337.540] **337.565**, [shall] **may** institute actions for penalties herein
8 prescribed, and shall enforce generally the provisions of sections 337.500 to [337.540]
9 **337.565**.

10 4. Upon application by the [committee] **board**, the attorney general may on
11 behalf of the [committee] **board** request that a court of competent jurisdiction grant an
12 injunction, restraining order or other order as may be appropriate to enjoin a person
13 from:

14 (1) Offering to engage or engaging in the performance of any acts or practices for
15 which a certificate of registration or authority, permit or license is required **under**
16 **sections 337.500 to 337.565** upon a showing that such acts or practices were performed
17 or offered to be performed without a certificate of registration or authority, permit or
18 license; or

19 (2) Engaging in any practice or business authorized by a certificate of
20 registration or authority, permit or license issued [pursuant to this chapter] **under**
21 **sections 337.500 to 337.565** upon a showing that the holder presents a substantial
22 probability of serious harm to the health, safety or welfare of any resident of this state
23 or client or patient of the licensee.

24 5. Any action brought [pursuant to the provisions of] **under** this section shall

25 be commenced either in the county in which such conduct occurred or in the county in
26 which the defendant resides.

27 6. Any action brought under this section may be in addition to or in lieu of any
28 penalty provided by [this chapter] **sections 337.500 to 337.565** and may be brought
29 concurrently with other actions to enforce [this chapter] **sections 337.500 to 337.565**.

**337.543. 1. There is hereby created a "Board of Counselors and
2 Therapists", which shall guide, advise, and make recommendations to the
3 division and fulfill all other responsibilities designated by sections 337.700 to
4 337.739 as such sections pertain to marital and family therapists and sections
5 337.500 to 337.540 as such sections pertain to licensed professional
6 counselors. The duties and responsibilities of the board as such duties and
7 responsibilities pertain to marital and family therapists and licensed
8 professional counselors shall not take full force and effect until such time as
9 the governor appoints the members of the board and the appointments are
10 confirmed by the senate. At such time, the powers and duties of the state
11 committee of marital and family therapists and the committee for professional
12 counselors shall be merged into the board under section 337.550.**

13 **2. The board of counselors and therapists shall be appointed by the
14 governor with the advice and consent of the senate and shall consist of nine
15 members that are United States citizens and residents of this state. Of these
16 nine members, four shall be licensed professional counselors who shall
17 constitute the subcommittee for professional counselors, and four shall be
18 licensed marital and family therapists who shall constitute the subcommittee
19 for marital and family therapists, and one shall be a voting public member.**

20 **3. At least one member of each of the subcommittees and the public
21 member of the initial board shall be appointed by the governor with the
22 advice and consent of the senate to serve a term of four years, two members
23 of each of the subcommittees shall be appointed by the governor with the
24 advice and consent of the senate to serve a term of three years and the
25 remaining members of the initial board shall be appointed for a term of two
26 years. Thereafter, all members shall be appointed by the governor with the
27 advice and consent of the senate to serve four-year terms. No person shall be
28 eligible for reappointment that has served as a member of the board for a
29 total of eight years. The membership of the board shall reflect the differences
30 in levels of education and work experience with consideration being given to
31 race, gender, and ethnic origins. No more than one counselor-educator shall
32 be a member of the board at the same time.**

33 4. At the time of appointment, the public member shall be a citizen of
34 the United States, a resident of this state for a period of at least one year
35 immediately preceding the appointment, and a registered voter. The public
36 member or the spouse of such member shall be a person who is not and never
37 was a member of any profession licensed or regulated by the board. The
38 public member and the spouse of such member shall be a person who does not
39 have and never has had a material financial interest in the provision of the
40 professional services regulated by the board, or an activity or organization
41 directly related to any professions licensed or regulated by the board.

42 5. Each member of the board shall receive compensation in an amount
43 set by the board not to exceed seventy dollars for each day devoted to the
44 affairs of the board, including meeting and conference attendance, meeting
45 preparation and travel, and activities related to the board and subject to
46 approval by the director of the division. The division shall provide all staff
47 for the board to include inspectors, investigators, and clerical support.

 337.550. 1. Upon appointment by the governor and confirmation by the
2 senate of the board, the committee for professional counselors and the state
3 committee of marital and family therapists are abolished and their duties and
4 responsibilities shall merge into the board as established under section
5 337.543, RSMo. The board shall be a continuance of and shall carry out the
6 duties of the committee for professional counselors and the state committee
7 of marital and family therapists.

8 2. Upon appointment by the governor and confirmation by the senate
9 of the board, all of the powers, duties, and functions of the committee for
10 professional counselors and the state committee of marital and family
11 therapists are transferred to, conferred, and imposed upon the board. The
12 board shall be the successor in every way to the powers, duties, and functions
13 of the committee for professional counselors and the state committee of
14 marital and family therapists.

15 3. Every act performed in the exercise of such powers, duties, and
16 authorities by or under the authority of the board of counselors and
17 therapists shall be deemed to have the same force and effect as if performed
18 by the committee for professional counselors or state committee of marital
19 and family therapists under sections 337.700 to 337.739 and sections 337.500
20 to 337.540, including any amendments thereto effective with the passage of
21 this law or prior to the effective date of this section.

22 4. All rules and regulations of the committee for professional

23 counselors and the state committee of marital and family therapists and
24 amendments thereto shall continue to be effective and shall be deemed to be
25 duly adopted rules and regulations of the board until revised, amended, or
26 repealed by the board. The board shall review such rules and regulations and
27 shall adopt new rules and regulations as required for the administration of
28 the licensure law for professional counselors and marital and family
29 therapists.

30 5. Any person licensed or provisionally licensed as a professional
31 counselor by the committee for professional counselors or any person licensed
32 by the state committee of marital and family therapists prior to the
33 appointment by the governor and confirmation by the senate of the board of
34 counselors and therapists, shall be considered licensed as a professional
35 counselor, provisionally licensed as a professional counselor, or licensed as
36 a marital and family therapist by the board of counselors and therapists. Any
37 person pursuing post-degree experience approved by the committee for
38 professional counselors or the state committee of marital and family
39 therapists shall be considered approved for post-degree experience by the
40 board.

 337.555. 1. There is hereby created in the state treasury a fund to be
2 known as the "Board of Counselors and Therapists Fund" which shall consist
3 of all moneys collected by the board.

4 2. Notwithstanding the provisions of section 33.080, RSMo, to the
5 contrary, moneys in this fund shall not be transferred and placed to the credit
6 of general revenue until the amount in the fund at the end of the biennium
7 exceeds three times the amount of the appropriations from the board of
8 counselors and therapists fund for the preceding fiscal year. The amount, if
9 any, in the fund that shall lapse is that amount in the fund that exceeds the
10 appropriate multiple of the appropriations from the board of counselors and
11 therapists fund for the preceding fiscal year.

12 3. Upon appointment by the governor and confirmation by the senate
13 of the board, all moneys deposited in the committee for professional
14 counselors fund created in section 337.507 and the marital and family
15 therapists fund created in section 337.712, shall be transferred to the board
16 of counselors and therapists fund created in subsection 1 of this section. The
17 committee for professional counselors fund and the marital and family
18 therapists fund shall be abolished when all moneys are transferred to the
19 board of counselors and therapists fund.

337.565. 1. The board, may issue subpoenas duces tecum and require
2 production of documents and records. A person authorized to serve
3 subpoenas of courts of record shall serve the subpoenas duces tecum. In lieu
4 of requiring attendance of a person to produce original documents in
5 response to a subpoena duces tecum, the board may require sworn copies of
6 such documents to be filed with it or delivered to its designated
7 representative.

8 2. The board may enforce its subpoenas duces tecum by applying to the
9 circuit court of Cole County, the county of the investigation, hearing, or
10 proceeding, or any county where the person resides or may be found for an
11 order upon any person who shall fail to obey a subpoena to show cause why
12 such subpoena should not be enforced, which such order and a copy of the
13 application therefore shall be served upon the person in the same manner as
14 a summons in a civil action. If the circuit court shall, after a hearing,
15 determine that the subpoena duces tecum should be sustained and enforced,
16 such court shall proceed to enforce the subpoena in the same manner as
17 though the subpoena had been issued in a civil case in the circuit court.

18 3. Failure of a licensee to comply with the requirements of a validly
19 enforced subpoena duces tecum shall constitute grounds for disciplinary
20 action as defined in sections 337.525 and 337.730.

2 337.600. As used in sections 337.600 to 337.689, the following terms mean:

3 (1) "Clinical social work", the application of methods, principles, and techniques
4 of case work, group work, client-centered advocacy, community organization,
5 administration, planning, evaluation, consultation, research, psychotherapy and
6 counseling methods and techniques to persons, families and groups in assessment,
7 diagnosis, treatment, prevention and amelioration of mental and emotional conditions;

8 (2) "Department", the Missouri department of economic development;

9 (3) "Director", the director of the division of professional registration in the
10 department of economic development;

11 (4) "Division", the division of professional registration;

12 (5) "**Independent practice**", any practice of social workers outside of an
13 organized setting such as a social, medical, or governmental agency in which
14 a social worker assumes responsibility and accountability for services
15 required;

16 (6) "Licensed clinical social worker", any person who offers to render services to
17 individuals, groups, organizations, institutions, corporations, government agencies or the

18 general public for a fee, monetary or otherwise, implying that the person is trained,
19 experienced, and licensed as a clinical social worker, and who holds a current, valid
20 license to practice as a clinical social worker;

21 [(6)] (7) "Practice of clinical social work", rendering, offering to render, or
22 supervising those who render to individuals, couples, groups, organizations, institutions,
23 corporations, or the general public any service involving the application of methods,
24 principles, and techniques of clinical social work;

25 [(7)] (8) "Provisional licensed clinical social worker", any person who is a
26 graduate of an accredited school of social work and meets all requirements of a licensed
27 clinical social worker, other than the supervised clinical social work experience
28 prescribed by subdivision (2) of subsection 1 of section 337.615, and who is supervised
29 by a person who is qualified to practice clinical social work, as defined by rule;

30 [(8)] (9) "Social worker", any individual that has:

31 (a) Received a baccalaureate or master's degree in social work from an accredited
32 social work program approved by the council on social work education;

33 (b) Received a doctorate or Ph.D. in social work; or

34 (c) A current baccalaureate or clinical social worker license as set forth in
35 sections 337.600 to 337.689.

337.603. No person shall use the title of "licensed clinical social worker", "clinical
2 social worker" or "provisional licensed clinical social worker" and engage in the practice
3 of clinical social work in this state unless the person is licensed as required by the
4 provisions of sections 337.600 to 337.639. Only individuals who are licensed clinical
5 social workers shall practice **clinical** social work [as an independent practice]. Sections
6 337.600 to 337.639 shall not apply to:

7 (1) Any person registered, certificated, or licensed by this state, another state,
8 or any recognized national certification agent acceptable to the committee to practice any
9 other occupation or profession while rendering services similar in nature to clinical social
10 work in the performance of the occupation or profession which the person is registered,
11 certificated, or licensed; and

12 (2) The practice of any social worker who is employed by any agency or
13 department of the state of Missouri while discharging the person's duties in that
14 capacity.

337.615. 1. Each applicant for licensure as a clinical social worker shall furnish
2 evidence to the committee that:

3 (1) The applicant has a master's degree from a college or university program of
4 social work accredited by the council of social work education or a doctorate degree from

5 a school of social work acceptable to the committee;

6 (2) The applicant has [twenty-four months] **completed three thousand hours**
7 of supervised clinical experience **with a licensed clinical social worker** acceptable
8 to the committee, as defined by rule, **in no less than twenty-four months and no**
9 **more than forty-eight consecutive calendar months;**

10 (3) The applicant has achieved a passing score, as defined by the committee, on
11 an examination approved by the committee. The eligibility requirements for such
12 examination shall be promulgated by rule of the committee;

13 (4) The applicant is at least eighteen years of age, is of good moral character, is
14 a United States citizen or has status as a legal resident alien, and has not been
15 convicted of a felony during the ten years immediately prior to application for licensure.

16 2. A licensed clinical social worker who has had no violations and no suspensions
17 and no revocation of a license to practice clinical social work in any jurisdiction may
18 receive a license in Missouri provided said clinical social worker passes a written
19 examination [on Missouri laws and regulations governing the practice of clinical social
20 work as defined in subdivision (1) of section 337.600,] and meets one of the following
21 criteria:

22 (1) [Is a member in good standing and holds a certification from the Academy of
23 Certified Social Workers;

24 (2)] Is currently licensed or certified as a licensed clinical social worker in
25 another state, territory of the United States, or the District of Columbia; and

26 (a) Who has received a masters or doctoral degree from a college or university
27 program of social work accredited by the council of social work education;

28 (b) Has been licensed for the preceding five years; and

29 (c) Has had no disciplinary action taken against the license for the preceding five
30 years; or

31 [(3)] **(2)** Is currently licensed or certified as a clinical social worker in another
32 state, territory of the United States, or the District of Columbia that extends like
33 privileges for reciprocal licensing or certification to persons licensed by this state with
34 similar qualifications.

35 3. The committee shall issue a license to each person who files an application and
36 fee as required by the provisions of sections 337.600 to 337.639 and who furnishes
37 evidence satisfactory to the committee that the applicant has complied with the
38 provisions of subdivisions (1) to (4) of subsection 1 of this section or with the provisions
39 of subsection 2 of this section. The committee shall issue a provisional clinical social
40 worker license to any applicant who meets all requirements of subdivisions (1), (3) and

41 (4) of subsection 1 of this section, but who has not completed the twenty-four months of
42 supervised clinical experience required by subdivision (2) of subsection 1 of this section,
43 and such applicant may reapply for licensure as a clinical social worker upon completion
44 of the twenty-four months of supervised clinical experience.

337.618. Each license issued pursuant to the provisions of sections 337.600 to
2 337.639 shall expire on a renewal date established by the director. The term of licensure
3 shall be twenty-four months[; however, the director may establish a shorter term for the
4 first licenses issued pursuant to sections 337.600 to 337.639 in accordance with the
5 provisions of subsection 14 of section 620.010, RSMo]. The committee [may] **shall**
6 **require [a specified number] a minimum number of thirty clock hours** of continuing
7 education [units] for renewal of a license issued pursuant to sections 337.600 to
8 337.639. The committee shall renew any license, **other than a provisional license,**
9 upon application for a renewal, completion of [any] **the** required continuing education
10 **hours** and upon payment of the fee established by the committee pursuant to the
11 provisions of section 337.612. **As provided by rule, the board may waive or**
12 **extend the time requirements for completion of continuing education for**
13 **reasons related to health, military service, foreign residency, or for other**
14 **good cause. All requests for waivers or extensions of time shall be made in**
15 **writing and submitted to the board before the renewal date.**

337.653. 1. No person shall use the title of "licensed baccalaureate social worker"
2 or "provisional licensed baccalaureate social worker" and engage in the practice of
3 baccalaureate social work in this state unless the person is licensed as required by the
4 provisions of sections 337.650 to 337.689.

5 2. A licensed baccalaureate social worker [may] **shall be deemed qualified to**
6 **practice the following:**

7 (1) Engage in [psychosocial] assessment and evaluation **from a generalist**
8 **perspective**, excluding the diagnosis and treatment of mental illness and emotional
9 disorders;

10 (2) Conduct basic data gathering of records and social problems of individuals,
11 groups, families and communities, assess such data, and formulate and implement a plan
12 to achieve specific goals;

13 (3) Serve as an advocate for clients, families, groups or communities for the
14 purpose of achieving specific goals;

15 (4) Counsel, excluding psychotherapy; **however, counseling shall be defined**
16 **as providing support, direction, and guidance to clients by assisting them in**
17 **successfully solving complex social problems;**

18 (5) Perform crisis intervention, screening and resolution, excluding the use of
19 psychotherapeutic techniques;

20 (6) Be a community supporter, organizer, planner or administrator for a social
21 service program;

22 (7) Conduct crisis planning ranging from disaster relief planning for communities
23 to helping individuals prepare for the death or disability of family members;

24 (8) Inform and refer clients to other professional services;

25 (9) Perform case management and outreach, including but not limited to
26 planning, managing, directing or coordinating social services; and

27 (10) Engage in the training and education of social work students from an
28 accredited institution and supervise other licensed baccalaureate social workers.

29 3. A licensed baccalaureate social worker [shall not] **may** engage in the [private]
30 **independent** practice of [clinical] **baccalaureate** social work **as defined in**
31 **subdivision (6) of section 337.650 and subdivisions (1) to (10) of subsection 2**
32 **of this section.**

2 337.700. As used in sections 337.700 to 337.739, the following terms mean:

3 (1) ["Committee", the state committee for family and marital therapists;]
4 **"Board", the board of counselors and therapists established under section**
5 **337.543;**

6 (2) "Department", the Missouri department of economic development;

7 (3) "Director", the director of the division of professional registration in the
8 department of economic development;

9 (4) "Division", the division of professional registration;

10 (5) "Fund", the [marital and family therapists' fund created in section 337.712]
11 **board of counselors and therapists fund created under section 337.555;**

12 (6) "Licensed marital and family therapist", a person to whom a license has been
13 issued pursuant to the provisions of sections 337.700 to 337.739, whose license is in force
14 and not suspended or revoked;

15 (7) "Marital and family therapy", the use of scientific and applied marriage and
16 family theories, methods and procedures for the purpose of describing, evaluating and
17 modifying marital, family and individual behavior within the context of marital and
18 family systems, including the context of marital formation and dissolution. Marriage
19 and family therapy is based on systems theories, marriage and family development,
20 normal and dysfunctional behavior, human sexuality and psychotherapeutic, marital and
21 family therapy theories and techniques and includes the use of marriage and family
22 therapy theories and techniques in the evaluation, assessment and treatment of

23 intrapersonal or interpersonal dysfunctions within the context of marriage and family
24 systems. Marriage and family therapy may also include clinical research into more
25 effective methods for the treatment and prevention of the above-named conditions;

26 (8) "Practice of marital and family therapy", the rendering of professional marital
27 and family therapy services to individuals, family groups and marital pairs, singly or in
28 groups, whether such services are offered directly to the general public or through
29 organizations, either public or private, for a fee, monetary or otherwise.

337.703. No person shall use the title of "licensed marital and family therapist",
2 "marital and family therapist", "provisional marital and family therapist", or engage in
3 the practice of marital and family therapy in this state unless the person is licensed as
4 required by the provisions of sections 337.700 to 337.739. Sections 337.700 to 337.739
5 shall not apply to:

6 (1) Any person registered, certificated or licensed by this state, another state or
7 any recognized national certification agent acceptable to the [division] **board** to practice
8 any other occupation or profession while rendering services similar in nature to marital
9 and family therapy in the performance of the occupation or profession in which the
10 person is registered, certificated or licensed, so long as the person does not use the title
11 of "licensed marital and family therapist", "marital and family therapist", or "provisional
12 marital and family therapist";

13 (2) The practice of any marital and family therapist who is employed by any
14 political subdivision, school district, agency or department of the state of Missouri while
15 discharging the therapist's duties in that capacity; and

16 (3) Duly ordained ministers or clergy, religious workers and volunteers or
17 Christian Science Practitioners.

337.706. [1. For a period of six months from September 1, 1995, a person may
2 apply for licensure without examination and shall be exempt from the academic
3 requirements of sections 337.700 to 337.739 if the division is satisfied that the applicant:

4 (1) Has been a resident of the state of Missouri for at least the last six months;
5 and

6 (2) Holds a valid license as a marital and family therapist from another state.

7 2. The division may determine by administrative rule the types of documentation
8 needed to verify that an applicant meets the qualifications provided in subsection 1 of
9 this section.

10 3. After March 1, 1996,] No person may engage in **the practice of** marital and
11 family therapy for compensation or hold himself or herself out as a "licensed marital and
12 family therapist", "marital and family therapist", or "provisional marital and family

13 therapist" unless the person complies with all educational and examination requirements
14 and is licensed in accordance with the provisions of sections 337.700 to 337.739.

337.712. 1. Applications for licensure as a marital and family therapist shall be
2 in writing, submitted to the [division] **board** on forms prescribed by the [division]
3 **board** and furnished to the applicant. The application shall contain the applicant's
4 statements showing the applicant's education, experience and such other information as
5 the [division] **board** may require. Each application shall contain a statement that it is
6 made under oath or affirmation and that the information contained therein is true and
7 correct to the best knowledge and belief of the applicant, subject to the penalties
8 provided for the making of a false affidavit or declaration. Each application shall be
9 accompanied by the fees required by the [division] **board**.

10 2. The division shall mail a renewal notice to the last known address of each
11 licensee prior to the licensure renewal date. **Notwithstanding this notice**
12 **requirement, the failure to receive a license renewal notification from the**
13 **division shall not excuse the licensee from renewing his or her license as**
14 **required by law.** Failure to provide the division with the information required for
15 license **renewal**, or to pay the licensure **renewal** fee after such notice shall effect a
16 revocation of the license after a period of sixty days from the licensure renewal
17 date. The license shall be restored if, within two years of the licensure **renewal** date,
18 the applicant provides written application and the payment of the licensure **renewal** fee
19 and a delinquency fee.

20 3. A new **license** certificate to replace any certificate lost, destroyed or mutilated
21 may be issued subject to the rules of the [division] **board** upon payment of a fee.

22 4. The [division] **board** shall set the amount of the fees authorized. The fees
23 shall be set at a level to produce revenue which shall not substantially exceed the cost
24 and expense of administering the provisions of **sections 337.543 to 337.565**
25 **and** sections 337.700 to 337.739. All fees provided for in **sections 337.543 to 337.565**
26 **and** sections 337.700 to 337.739 shall be collected by the director who shall deposit the
27 same with the state treasurer to [a fund to be known as] the ["Marital and Family
28 Therapists' Fund"] **board of counselors and therapists fund, established under**
29 **section 337.555.**

30 5. [The provisions of section 33.080, RSMo, to the contrary notwithstanding,
31 money in this fund shall not be transferred and placed to the credit of general revenue
32 until the amount in the fund at the end of the biennium exceeds two times the amount
33 of the appropriations from the marital and family therapists' fund for the preceding
34 fiscal year or, if the division requires by rule renewal less frequently than yearly then

35 three times the appropriation from the fund for the preceding fiscal year. The amount,
36 if any, in the fund which shall lapse is that amount in the fund which exceeds the
37 appropriate multiple of the appropriations from the marital and family therapists' fund
38 for the preceding fiscal year.] **If a license has expired for more than two years**
39 **and the applicant does not hold a valid, unrevoked, unsuspended license as**
40 **a professional counselor in another state at the time of application to the**
41 **board, the applicant shall pay the required fee and obtain continuing**
42 **education relating to the practice of marital and family therapy as defined by**
43 **board rule. Continuing education required under this subsection shall not**
44 **exceed twenty hours of continuing education credit.**

337.715. 1. Each applicant for licensure as a marital and family therapist shall
2 furnish evidence to the [division] **board** that:

3 (1) The applicant has a master's degree or a doctoral degree in marital and
4 family therapy, or its equivalent, from an acceptable educational institution accredited
5 by a regional accrediting body or accredited by an accrediting body which has been
6 approved by the United States Department of Education;

7 (2) The applicant has twenty-four months of postgraduate supervised clinical
8 experience acceptable to the [division] **board**, as the [division] **board** determines by
9 rule;

10 (3) Upon examination, the applicant is possessed of requisite knowledge of the
11 profession, including techniques and applications research and its interpretation and
12 professional affairs and ethics;

13 (4) The applicant is at least eighteen years of age, is of good moral character, is
14 a United States citizen or has status as a legal resident alien, and has not been
15 convicted of a felony during the ten years immediately prior to application for licensure.

16 2. [A licensed marriage and family therapist who has had no violations and no
17 suspensions and no revocation of a license to practice marriage and family therapy in
18 any jurisdiction may receive a license in Missouri provided said marriage and family
19 therapist passes a written examination on Missouri laws and regulations governing the
20 practice of professional counseling as defined in section 337.700, and meets one of the
21 following criteria:

22 (1) Is a member in good standing and holds a certification from the Academy of
23 Marriage and Family Therapists;

24 (2) Is currently licensed or certified as a licensed marriage and family therapist
25 in another state, territory of the United States, or the District of Columbia; and

26 (a) Meets the educational standards set forth in subdivision (1) of subsection 1

27 of this section;

28 (b) Has been licensed for the preceding five years; and

29 (c) Has had no disciplinary action taken against the license for the preceding five
30 years; or

31 (3) Is currently licensed or certified as a marriage and family therapist in
32 another state, territory of the United States, or the District of Columbia that extends
33 like privileges for reciprocal licensing or certification to persons licensed by this state
34 with similar qualifications.] **Any person holding a current license, certificate or**
35 **registration from another state or territory of the United States having**
36 **substantially the same or higher requirements as this state for marital and**
37 **family therapists may be granted a license without examination to engage in**
38 **the practice of marital and family therapy in this state upon application to**
39 **the board, payment of the required fee as established by the board under**
40 **section 337.712, upon certification by the applicant's current licensing entity**
41 **that he or she holds a current license and has had no disciplinary action**
42 **taken against his or her license for the five years immediately preceding**
43 **application to the board.**

44 3. The [division] **board** shall issue a license to each person who files an
45 application and fee as required by the provisions of **sections 337.543 to 337.565 and**
46 **sections 337.700 to 337.739**, and who furnishes evidence satisfactory to the [division]
47 **board** that the applicant has complied with the provisions of subdivisions (1) to (4) of
48 subsection 1 of this section or with the provisions of subsection 2 of this section **and has**
49 **taken and passed a written, open book examination on Missouri laws and**
50 **regulations governing the practice of marital and family therapy as defined**
51 **in section 337.700.**

337.718. 1. Each license issued pursuant to the provisions of **sections 337.543**
2 **to 337.565 and** sections 337.700 to 337.739 shall expire on a renewal date established
3 by the director. The term of licensure shall be twenty-four months[; however, the
4 director may establish a shorter term for the first licenses issued pursuant to sections
5 337.700 to 337.739]. The [division] **board** shall renew any license upon application for
6 a renewal and upon payment of the fee established by the [division] **board** pursuant to
7 the provisions of section 337.712.

8 2. The [division] **board** may issue temporary permits to practice under
9 extenuating circumstances as determined by the [division] **board** and defined by rule.

337.727. 1. The [division] **board** shall promulgate rules and regulations
2 pertaining to:

3 (1) The form and content of license applications required by the provisions of
4 **sections 337.543 to 337.565 and** sections 337.700 to 337.739 and the procedures for
5 filing an application for an initial or renewal license in this state;

6 (2) Fees required by the provisions of **sections 337.543 to 337.565 and** sections
7 337.700 to 337.739;

8 (3) The content, conduct and administration of the licensing examination
9 required by section 337.715;

10 (4) The characteristics of supervised clinical experience as that term is used in
11 section 337.715;

12 (5) The equivalent of the basic educational requirements set forth in section
13 337.715;

14 (6) The standards and methods to be used in assessing competency as a licensed
15 marital and family therapist;

16 (7) Establishment and promulgation of procedures for investigating, hearing and
17 determining grievances and violations occurring under the provisions of **sections**
18 **337.543 to 337.565 and** sections 337.700 to 337.739;

19 (8) Development of an appeal procedure for the review of decisions and rules of
20 administrative agencies existing under the constitution or laws of this state;

21 (9) Establishment of a policy and procedure for reciprocity with other states,
22 including states which do not have marital and family therapist licensing laws or states
23 whose licensing laws are not substantially the same as those of this state; and

24 (10) Any other policies or procedures necessary to the fulfillment of the
25 requirements of **sections 337.543 to 337.565 and** sections 337.700 to 337.739.

26 2. No rule or portion of a rule promulgated under the authority of **sections**
27 **329.023 to 337.565 and** sections 337.700 to 337.739 shall become effective until it has
28 been approved by the joint committee on administrative rules in accordance with the
29 procedures provided in this section, and the delegation of the legislative authority to
30 enact law by the adoption of such rules is dependent upon the power of the joint
31 committee on administrative rules to review and suspend rules pending ratification by
32 the senate and the house of representatives as provided in this section.

33 3. Upon filing any proposed rule with the secretary of state, the [division] **board**
34 shall concurrently submit such proposed rule to the committee, which may hold hearings
35 upon any proposed rule or portion thereof at any time.

36 4. A final order of rulemaking shall not be filed with the secretary of state until
37 thirty days after such final order of rulemaking has been received by the committee. The
38 committee may hold one or more hearings upon such final order of rulemaking during

39 the thirty-day period. If the committee does not disapprove such order of rulemaking
40 within the thirty-day period, the [division] **board** may file such order of rulemaking
41 with the secretary of state and the order of rulemaking shall be deemed approved.

42 5. The committee may, by majority vote of the members, suspend the order of
43 rulemaking or portion thereof by action taken prior to the filing of the final order of
44 rulemaking only for one or more of the following grounds:

45 (1) An absence of statutory authority for the proposed rule;

46 (2) An emergency relating to public health, safety or welfare;

47 (3) The proposed rule is in conflict with state law;

48 (4) A substantial change in circumstance since enactment of the law upon which
49 the proposed rule is based.

50 6. If the committee disapproves any rule or portion thereof, the [division] **board**
51 shall not file such disapproved portion of any rule with the secretary of state and the
52 secretary of state shall not publish in the Missouri Register any final order of
53 rulemaking containing the disapproved portion.

54 7. If the committee disapproves any rule or portion thereof, the committee shall
55 report its findings to the senate and the house of representatives. No rule or portion
56 thereof disapproved by the committee shall take effect so long as the senate and the
57 house of representatives ratify the act of the joint committee by resolution adopted in
58 each house within thirty legislative days after such rule or portion thereof has been
59 disapproved by the joint committee.

60 8. Upon adoption of a rule as provided in this section, any such rule or portion
61 thereof may be suspended or revoked by the general assembly either by bill or, pursuant
62 to section 8, article IV of the Constitution of Missouri, by concurrent resolution upon
63 recommendation of the joint committee on administrative rules. The committee shall be
64 authorized to hold hearings and make recommendations pursuant to the provisions of
65 section 536.037, RSMo. The secretary of state shall publish in the Missouri Register, as
66 soon as practicable, notice of the suspension or revocation.

337.730. 1. The [division] **board** may refuse to issue or renew any license
2 required by the provisions of **sections 337.543 to 337.565 and** sections 337.700 to
3 337.739 for one or any combination of causes stated in subsection 2 of this section. The
4 division shall notify the applicant in writing of the reasons for the refusal and shall
5 advise the applicant of the applicant's right to file a complaint with the administrative
6 hearing commission as provided by chapter 621, RSMo.

7 2. The division may cause a complaint to be filed with the administrative hearing
8 commission as provided by chapter 621, RSMo, against any holder of any license

9 required by **sections 337.543 to 337.565 and** sections 337.700 to 337.739 or any person
10 who has failed to renew or has surrendered the person's license for any one or any
11 combination of the following causes:

12 (1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic
13 beverage to an extent that such use impairs a person's ability to engage in the
14 occupation of a marital and family therapist; except the fact that a person has undergone
15 treatment for past substance or alcohol abuse or has participated in a recovery program,
16 shall not by itself be cause for refusal to issue or renew a license;

17 (2) The person has been finally adjudicated and found guilty, or entered a plea
18 of guilty in a criminal prosecution under the laws of any state or of the United States,
19 for any offense reasonably related to the qualifications, functions or duties of a marital
20 and family therapist; for any offense an essential element of which is fraud, dishonesty
21 or an act of violence; or for any offense involving moral turpitude, whether or not
22 sentence is imposed;

23 (3) Use of fraud, deception, misrepresentation or bribery in securing any license
24 issued pursuant to the provisions of **sections 337.543 to 337.565 and** sections 337.700
25 to 337.739 or in obtaining permission to take any examination given or required
26 pursuant to the provisions of **sections 337.543 to 337.565 and** sections 337.700 to
27 337.739;

28 (4) Obtaining or attempting to obtain any fee, charge, tuition or other
29 compensation by fraud, deception or misrepresentation;

30 (5) [~~Incompetency~~] **Incompetence**, misconduct, **gross negligence**, fraud,
31 misrepresentation or dishonesty in the performance of the functions or duties of a
32 marital and family therapist;

33 (6) Violation of, or assisting or enabling any person to violate, any provision of
34 **sections 337.543 to 337.565 and** sections 337.700 to 337.739 or of any lawful rule or
35 regulation adopted pursuant to **sections 337.543 to 337.565 and** sections 337.700 to
36 337.739;

37 (7) Impersonation of any person holding a license or allowing any person to use
38 the person's license or diploma from any school;

39 (8) [~~Revocation or suspension~~] **Disciplinary action against the holder** of a
40 license or other right to practice marital and family therapy granted by another state,
41 territory, federal agency or country upon grounds for which [~~revocation or suspension~~]
42 **discipline** is authorized in this state;

43 (9) Final adjudication as incapacitated by a court of competent jurisdiction;

44 (10) Assisting or enabling any person to practice or offer to practice marital and

45 family therapy who is not licensed and is not currently eligible to practice under the
46 provisions of **sections 337.543 to 337.565 and** sections 337.700 to 337.739;

47 (11) Obtaining a license based upon a material mistake of fact;

48 (12) Failure to display a valid license if so required by sections **337.543 to**
49 **337.565 and** 337.700 to 337.739 or any rule promulgated hereunder;

50 (13) Violation of any professional trust or confidence;

51 (14) Use of any advertisement or solicitation [which] **that** is false, misleading or
52 deceptive to the general public or persons to whom the advertisement or solicitation is
53 primarily directed;

54 (15) [Being guilty of unethical conduct as defined in] **Violation of** the ethical
55 standards for marital and family therapists [adopted by the committee by rule and filed
56 with the secretary of state] **as defined by board rule.**

57 3. Any person, organization, association or corporation [who reports or provides]
58 **reporting or providing** information to the [division] **board** pursuant to the provisions
59 of **sections 337.543 to 337.565 and** sections 337.700 to 337.739 and who does so in
60 good faith shall not be subject to an action for civil damages as a result thereof.

61 4. After filing of such complaint, the proceedings shall be conducted in accordance
62 with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing
63 commission that the grounds provided in subsection 2 of this section for disciplinary
64 action are met, the [division] **board** may censure or place the person named in the
65 complaint on probation on such terms and conditions as the [division] **board** deems
66 appropriate for a period not to exceed five years, or may suspend for a period not to
67 exceed three years, or revoke the license.

337.733. 1. Violation of any provision of **sections 337.543 to 337.565 and**
2 sections 337.700 to 337.739 is a class B misdemeanor.

3 2. All fees or other compensation received for services [which] **that** are rendered
4 in violation of **sections 337.543 to 337.565 and** sections 337.700 to 337.739 shall be
5 refunded.

6 3. The [department] **board** on behalf of the division may sue in its own name
7 in any court in this state. The [department] **board** shall inquire as to any violations of
8 sections 337.700 to 337.739, may institute actions for penalties prescribed, and shall
9 enforce generally the provisions of sections 337.700 to 337.739.

10 4. Upon application by the [division] **board**, the attorney general may on behalf
11 of the [division] **board** request that a court of competent jurisdiction grant an
12 injunction, restraining order or other order as may be appropriate to enjoin a person
13 from:

14 (1) Offering to engage or engaging in the performance of any acts or practices for
15 which a certificate of registration or authority, permit or license is required upon a
16 showing that such acts or practices were performed or offered to be performed without
17 a certificate of registration or authority, permit or license;

18 (2) Engaging in any practice of business authorized by a certificate of registration
19 or authority, permit or license issued pursuant to **sections 337.543 to 337.565 and**
20 **sections 337.700 to 337.739**, upon a showing that the holder presents a substantial
21 probability of serious harm to the health, safety or welfare of any resident of this state
22 or client or patient of the licensee.

23 5. Any action brought pursuant to the provisions of this section shall be
24 commenced either in the county in which such conduct occurred or in the county in which
25 the defendant resides.

26 6. Any action brought under this section may be in addition to or in lieu of any
27 penalty provided by sections 337.700 to 337.739 and may be brought concurrently with
28 other actions to enforce the provisions of sections 337.700 to 337.739.

337.736. Persons licensed under the provisions of **sections 337.543 to 337.565**
2 **and** sections 337.700 to 337.739 [may] **shall** not disclose any information acquired from
3 persons consulting them in their professional capacity, or be compelled to disclose such
4 information except:

5 (1) With the written consent of the client, or in the case of the client's death or
6 disability, the client's personal representative or other person authorized to sue or the
7 beneficiary of any insurance policy on the client's life, health or physical condition;

8 (2) When such information pertains to a criminal act;

9 (3) When the person is a child under the age of eighteen years and the
10 information acquired by the licensee indicated that the child was the victim of a crime;

11 (4) When the person waives the privilege by bringing charges against the
12 licensee;

13 (5) When the licensee is called upon to testify in any court or administrative
14 hearings concerning matters of adoption, adult abuse, child abuse, child neglect or other
15 matters pertaining to the welfare of clients of the licensee; or

16 (6) When the licensee is collaborating or consulting with professional colleagues
17 or an administrative superior on behalf of the client.

338.095. 1. The terms "prescription" and "prescription drug order" are hereby
2 defined as a lawful order for medications or devices issued and signed by an authorized
3 prescriber within the scope of his professional practice which is to be dispensed or
4 administered by a pharmacist or dispensed or administered pursuant to section 334.104,

5 RSMo, to and for the ultimate user. The terms "prescription" and "drug order" do not
6 include an order for medication which is provided for the immediate administration to
7 the ultimate user or recipient.

8 2. The term "telephone prescription" is defined as an order for medications or
9 devices transmitted to a pharmacist by telephone or similar electronic medium by an
10 authorized prescriber or his authorized agent acting in the course of his professional
11 practice which is to be dispensed or administered by a pharmacist or dispensed or
12 administered pursuant to section 334.104, RSMo, to and for the ultimate user. A
13 telephone prescription shall be promptly reduced to written or electronic medium by the
14 pharmacist and shall comply with all laws governing prescriptions and record keeping.

15 3. A licensed pharmacist may lawfully provide prescription or medical
16 information to a licensed health care provider or his agent who is legally qualified to
17 administer medications and treatments and who is involved in the treatment of the
18 patient. The information may be derived by direct contact with the prescriber or through
19 a written protocol approved by the prescriber. Such information shall authorize the
20 provider to administer appropriate medications and treatments.

21 4. Nothing in this section shall be construed to limit the authority of other
22 licensed health care providers to prescribe, administer, or dispense medications and
23 treatments within the scope of their professional practice.

24 **5. It is unlawful for any person other than the patient or the patient's**
25 **authorized representative to accept a prescription presented to be dispensed**
26 **unless that person is located on a premises of a dispensing physician or**
27 **licensed by the board as a pharmacy. A violation of this subsection shall be**
28 **a class A misdemeanor.**

338.380. 1. As used in this section the term "committee" means the well-
2 **being committee established under subsection 2 of this section.**

3 **2. The board may establish an impaired licensee committee, to be**
4 **designated as the "Well-being Committee", to promote the early identification,**
5 **intervention, treatment and rehabilitation of licensees identified within this**
6 **chapter, who may be impaired by reasons of illness, substance abuse, or as a**
7 **result of any physical or mental condition. The board may enter into a**
8 **contractual agreement with a nonprofit corporation or an association for the**
9 **purpose of creating, supporting and maintaining such a committee. The**
10 **board may promulgate rules subject to the provisions of this section to**
11 **effectuate and implement any committee formed under this section. The**
12 **board may expend appropriated funds necessary to provide for operational**

13 expenses of the committee formed under this section. Any member of the
14 committee, as well as any administrator, staff member, consultant, agent or
15 employee of the committee, acting within the scope of his or her duties and
16 without actual malice and, all other persons who furnish information to the
17 committee in good faith and without actual malice, shall not be liable for any
18 claim of damages as a result of any statement, decision, opinion, investigation
19 or action taken by the committee or by any individual member of the
20 committee.

21 3. All information, interviews, reports, statements, memoranda or other
22 documents furnished to or produced by the committee, as well as
23 communications to or from the committee, any findings, conclusions,
24 interventions, treatment, rehabilitation, or other proceedings of the
25 committee which in any way pertain to a licensee who may be, or who
26 actually is, impaired shall be absolutely privileged and confidential.

27 4. All records and proceedings of the committee which pertain or refer
28 to a licensee who may be, or who actually is, impaired shall be privileged and
29 confidential and shall be used by the committee and its members only in the
30 exercise of the proper function of the committee and shall not be considered
31 public records under chapter 610, RSMo, and shall not be subject to court
32 subpoena or subject to discovery or introduction as evidence in any civil,
33 criminal, or administrative proceedings except as provided in subsection 5 of
34 this section.

35 5. The committee may disclose information relative to an impaired
36 licensee only when:

37 (1) It is essential to disclose the information to further the
38 intervention, treatment, or rehabilitation needs of the impaired licensee and
39 only to those persons or organization with a need to know;

40 (2) Its release is authorized in writing by the impaired licensee;

41 (3) The committee is required to make a report to the board.

42 6. In lieu of the pursuing discipline against a licensee for violating one
43 or more causes stated in subsection 2 of section 338.055, the board may enter
44 into a diversion agreement with a licensee to refer the licensee to the
45 committee under such terms and conditions as are agreed to by the board and
46 licensee. The board shall enter into no more than two diversion agreements
47 with any individual licensee. If the licensee violates a term or condition of
48 a diversion agreement entered into under this section, the board may elect
49 to pursue discipline against the licensee under chapter 621, RSMo, for the

50 original conduct that resulted in the diversion agreement, or for any
51 subsequent violation of subsection 2 of section 338.055. While the licensee
52 participates in the committee, the time limitations of section 620.154, RSMo,
53 shall toll under subsection 7 of section 620.154, RSMo. All records pertaining
54 to diversion agreements are confidential and may only be released under
55 subdivision (7) of subsection 14 of section 620.010, RSMo.

56 7. The committee shall report to the board the name of any licensee
57 who fails to enter treatment within forty-eight hours following the provider's
58 determination that the pharmacist needs treatment or any failure by a
59 licensee to comply with the terms of a treatment contract during inpatient or
60 outpatient treatment or aftercare or report a licensee who resumes the
61 practice of pharmacy before the treatment provider has made a clear
62 determination that the pharmacist is capable of practicing according to
63 acceptable and prevailing standards.

64 8. The board may disclose information and records to the committee to
65 assist the committee in the identification, intervention, treatment, and
66 rehabilitation of any licensee who may be impaired by reason of illness,
67 substance abuse, or as the result of any physical or mental condition. The
68 committee shall keep all information and records provided by the board
69 confidential to the extent the board is required to treat the information and
70 records as closed to the public under chapter 620, RSMo.

71 9. Any rule or portion of a rule, as that term is defined in section
72 536.010, RSMo, that is created under the authority delegated in this section
73 shall become effective only if it complies with and is subject to all of the
74 provisions of chapter 536, RSMo, and, if applicable, section 536.028,
75 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of
76 the powers vested with the general assembly pursuant to chapter 536, RSMo,
77 to review, to delay the effective date, or to disapprove and annul a rule are
78 subsequently held unconstitutional, then the grant of rulemaking authority
79 and any rule proposed or adopted after August 28, 2005, shall be invalid and
80 void.

338.560. Any provision of the law to the contrary notwithstanding, the
2 board of pharmacy shall prepare and maintain an equitable salary schedule
3 for professional staff that are employees of the board. The positions and
4 classification plan for personnel attributed to the inspection of licensed
5 entities within this chapter shall allow for a comparison of such positions
6 with similar positions in adjoining states. Board of pharmacy professional

7 **positions shall not be compensated at more than ninety percent parity for**
8 **corresponding positions within adjoining states for pharmacists employed in**
9 **those positions.**

344.040. 1. Every license issued under this chapter shall expire on June thirtieth
2 of the year **following the year** of issuance and [each] **every other** year thereafter,
3 **provided that licenses issued or renewed during the year 2006 may be issued**
4 **or renewed by the board for a period of either one or two years, as provided**
5 **by rule.** Licensees seeking renewal shall, during the month of May of [each] **the year**
6 **of renewal**, file an application for renewal on forms furnished by the board, which shall
7 include evidence satisfactory to the board of completion of the approved continuing
8 education hours required by the board, and shall be accompanied by a renewal fee [of
9 fifty dollars] **as provided by rule** payable to the [director] **department** of [revenue]
10 **health and senior services.**

11 2. Upon receipt of an incomplete application for renewal, the board shall grant
12 the applicant a temporary permit which shall be in effect for thirty days. The applicant
13 is required to submit the required documentation or fee within the thirty-day period, or
14 the board may refuse to renew his application. The thirty-day period can be extended
15 for good cause shown for an additional thirty days. Upon receipt of the approved
16 continuing education credits or other required documentation or fee within the
17 appropriate time period, the board shall issue [an annual] **a license.**

18 3. The board shall renew the license of an applicant who has met all of the
19 requirements for renewal.

20 4. As a requirement for renewal of license, the board may require not more than
21 forty-eight clock hours of continuing education a year. The continuing education
22 provided for under this section shall be approved by the board. There shall be a
23 separate, nonrefundable fee for each single offering provider. The board shall set the
24 amount of fee for any single offering provided by rules and regulations promulgated
25 pursuant to section 536.021, RSMo. The fee shall be set at a level to produce revenue
26 which shall not substantially exceed the cost and expense in administering and
27 reviewing any single offering.

28 5. By April first of each year, the board shall mail an application for renewal of
29 license to every person [for whom a] **whose** license [was issued or] **shall be** renewed
30 during the current year. The applicant must submit such information as will enable the
31 board to determine if the applicant's license should be renewed. Information provided
32 in the application shall be given under oath.

33 6. Any licensee who fails to apply to renew his license by June thirtieth **of the**

34 **licensee's year of renewal** may be relicensed by the board if he meets the
35 requirements set forth by the board pursuant to sections 344.010 to 344.100 and pays
36 the [fifty-dollar] renewal fee **required by rule**, plus a penalty of twenty-five dollars. No
37 action shall be taken by the board in addition to a penalty of twenty-five dollars imposed
38 by this section against any such licensee whose license has not expired for a period of
39 more than two months, and who has had no action in the preceding five years taken
40 against them by the board, and who has met all other licensure requirements by June
41 **thirtieth of the year of renewal**; provided, however, that nothing in this section shall
42 prevent the board from taking any other disciplinary action against a licensee if there
43 shall exist a cause for discipline pursuant to section 344.050. A person whose license
44 has expired for a period of more than twelve months must meet the requirements set out
45 in section 344.030 for initial licensure.

374.710. 1. Except as otherwise provided in sections 374.695 to 374.775, no
2 person or other entity shall practice as a bail bond agent or general bail bond agent, as
3 defined in section 374.700, in Missouri unless and until the department has issued to
4 him or her a license, to be renewed every two years as hereinafter provided, to practice
5 as a bail bond agent or general bail bond agent.

6 2. An applicant for a bail bond and general bail bond agent license shall submit
7 with the application proof that he or she has received twenty-four hours of initial basic
8 training in areas of instruction in subjects determined by the director deemed
9 appropriate to professionals in the bail bond profession **and that he or she is a**
10 **member of a statewide professional association established to represent the**
11 **interest of such bail bond and general bail bond agents. The director of the**
12 **department shall establish the requirements that an association must meet in**
13 **order for it to be a recognized statewide professional association of which an**
14 **applicant may be a member in order to be licensed as a bail bond or general**
15 **bail bond agent. The director of the department shall not mandate**
16 **membership in any particular association. The department of insurance,**
17 **through rule and regulation, shall ensure that there will be more than one**
18 **recognized professional bail bond association within the state before such**
19 **mandate shall be enforced.** Bail bond agents and general bail bond agents who are
20 licensed at the date which this act becomes law shall be exempt from such twenty-four
21 hours of initial basic training.

22 3. In addition to the twenty-four hours of initial basic training to become a bail bond
23 agent or general bail bond agent, there shall be eight hours of biennial continuing education
24 for all bail bond agents and general bail bond agents to maintain their state license. The

25 director shall determine said appropriate areas of instruction for said biennial continuing
26 education. The director shall determine which institutions, organizations, associations, and
27 individuals shall be eligible to provide the initial basic training and the biennial continuing
28 education instruction. The department may allow state institutions, organizations,
29 associations, or individuals to provide courses for the initial basic training and the biennial
30 continuing education training. The cost shall not exceed two hundred dollars for the initial
31 basic training and one hundred fifty dollars for biennial continuing education.

32 4. Upon completion of said basic training or biennial continuing education and the
33 licensee meeting the other requirements as provided under sections 374.695 to 374.789, the
34 director shall issue a two-year license for the bail bond agent or general bail bond agent for
35 a fee not to exceed one hundred fifty dollars.

36 5. Nothing in sections 374.695 to 374.775 shall be construed to prohibit any person
37 from posting or otherwise providing a bail bond in connection with any legal proceeding,
38 provided that such person receives no fee, remuneration or consideration therefor.

39 **6. Any rule or portion of a rule, as that term is defined in section 536.010,**
40 **RSMo, that is created under the authority delegated in this section shall become**
41 **effective only if it complies with and is subject to all of the provisions of chapter**
42 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,**
43 **RSMo, are nonseverable and if any of the powers vested with the general assembly**
44 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to**
45 **disapprove and annul a rule are subsequently held unconstitutional, then the grant**
46 **of rulemaking authority and any rule proposed or adopted after August 28, 2005,**
47 **shall be invalid and void.**

374.730. All licenses issued to bail bond agents and general bail bond agents
2 under the provisions of sections 374.700 to 374.775 shall be renewed biennially, which
3 renewal shall be in the form and manner prescribed by the department and shall be
4 accompanied by the renewal fee set by the department **and proof of continuing**
5 **membership in a statewide professional association recognized by the department**
6 **as provided for in section 374.710.**

374.783. 1. No person shall hold himself or herself out as being a surety recovery
2 agent in this state, unless such person is licensed in accordance with the provisions of
3 sections 374.783 to 374.789. Licensed bail bond agents and general bail bond agents
4 may perform fugitive recovery without being licensed as a surety recovery agent.

5 2. The director shall have authority to license all surety recovery agents in this
6 state. The director shall have control and supervision over the licensing of such agents
7 and the enforcement of the terms and provisions of sections 374.783 to 374.789.

8 3. **Any applicant for a surety recovery agent license must show proof**

9 of membership in a statewide professional association established to
10 represent the interest of such surety recovery agents. The director of the
11 department shall establish the requirements that an association must meet in
12 order for it to be a recognized statewide professional association of which an
13 applicant may be a member in order to be licensed as a surety recovery
14 agent. The department of insurance, through rule and regulation, shall
15 ensure that there will be more than one recognized professional bail bond
16 association within the state before such mandate shall be enforced. Any rule
17 or portion of a rule, as that term is defined in section 536.010, RSMo, that is
18 created under the authority delegated in this section shall become effective
19 only if it complies with and is subject to all of the provisions of chapter 536,
20 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,
21 RSMo, are nonseverable and if any of the powers vested with the general
22 assembly pursuant to chapter 536, RSMo, to review, to delay the effective
23 date, or to disapprove and annul a rule are subsequently held
24 unconstitutional, then the grant of rulemaking authority and any rule
25 proposed or adopted after August 28, 2005, shall be invalid and void.

26 4. Notwithstanding the provisions of this section to the contrary, the
27 director shall have the power to:

28 (1) Set and determine the amount of the fees authorized and required pursuant
29 to sections 374.783 to 374.789. The fees shall be set at a level sufficient to produce
30 revenue which shall not substantially exceed the cost and expense of administering
31 sections 374.783 to 374.789. However, such fees shall not exceed one hundred fifty
32 dollars for a two-year license; and

33 (2) Determine the sufficient qualifications of applicants for a license.

34 [4.] 5. The director shall license for a period of two years all surety recovery
35 agents in this state who meet the requirements of sections 374.783 to 374.789.

374.786. 1. Every person licensed pursuant to sections 374.783 to 374.789 shall,
2 before the license renewal date, apply to the director for renewal for the ensuing
3 licensing period. The application shall be made on a form furnished to the applicant and
4 shall state the applicant's full name, the applicant's business address, the address at
5 which the applicant resides, the date the applicant first received a license, and the
6 applicant's surety recovery agent identification number, if any. **The application must**
7 **be accompanied by written proof of continuing membership in a statewide**
8 **professional association recognized by the department as provided for in**
9 **section 374.783.**

10 2. A renewal form shall be mailed to each person licensed in this state at the
11 person's last known address. The failure to mail the renewal form or the failure of a
12 person to receive it does not relieve any person of the duty to be licensed and to pay the
13 license fee required nor exempt such person from the penalties provided for failure to be
14 licensed.

15 3. Each applicant for renewal shall accompany such application with a renewal
16 fee to be paid to the department for the licensing period for which renewal is sought.

17 4. The director may refuse to renew any license required pursuant to sections
18 374.783 to 374.789 for any one or any combination of causes stated in section
19 374.787. The director shall notify the applicant in writing of the reasons for refusal to
20 renew and shall advise the applicant of his or her right to file a complaint with the
21 administrative hearing commission as provided by chapter 621, RSMo.

2 436.218. As used in sections 436.215 to 436.272, the following terms mean:

3 (1) "Agency contract", an agreement in which a student athlete authorizes a
4 person to negotiate or solicit on behalf of the student athlete a professional sports
5 services contract or an endorsement contract;

6 (2) "Athlete agent", an individual who enters into an agency contract with a
7 student athlete or directly or indirectly recruits or solicits a student athlete to enter into
8 an agency contract. The term does not include a spouse, parent, sibling, grandparent,
9 or guardian of the student athlete or an individual acting solely on behalf of a
10 professional sports team or professional sports organization. The term includes an
11 individual who represents to the public that the individual is an athlete agent;

12 (3) "Athletic director", an individual responsible for administering the overall
13 athletic program of an educational institution or if an educational institution has
14 separately administered athletic programs for male students and female students, the
15 athletic program for males or the athletic program for females, as appropriate;

16 (4) "Contact", a direct or indirect communication between an athlete agent and
17 a student athlete to recruit or solicit the student athlete to enter into an agency contract;

18 (5) "Director", the director of the division of professional registration;

19 (6) "Division", the division of professional registration;

20 (7) "Endorsement contract", an agreement under which a student athlete is
21 employed or receives consideration to use on behalf of the other party any value that the
22 student athlete may have because of publicity, reputation, following, or fame obtained
23 because of athletic ability or performance;

24 (8) "Intercollegiate sport", a sport played at the collegiate level for which
25 eligibility requirements for participation by a student athlete are established by a

26 national association for the promotion or regulation of collegiate athletics;

27 (9) "Person", an individual, corporation, business trust, estate, trust, partnership,
28 limited liability company, association, joint venture, government, governmental
29 subdivision, agency, or instrumentality, public corporation, or any other legal or
30 commercial entity;

31 (10) "Professional sports services contract", an agreement under which an
32 individual is employed or agrees to render services as a player on a professional sports
33 team, with a professional sports organization, or as a professional athlete;

34 (11) "Record", information that is inscribed on a tangible medium or that is
35 stored in an electronic or other medium and is retrievable in perceivable form;

36 (12) "Registration", registration as an athlete agent under sections 436.215 to
37 436.272;

38 (13) "State", a state of the United States, the District of Columbia, Puerto Rico,
39 the United States Virgin Islands, or any territory or insular possession subject to the
40 jurisdiction of the United States;

41 (14) "Student athlete", [an individual] **a current student** who engages in, **has**
42 **engaged in**, is eligible to engage in, or may be eligible in the future to engage in, any
43 intercollegiate sport. [If an individual is permanently ineligible to participate in a
44 particular intercollegiate sport the individual is not a student athlete for purposes of
45 that sport.]

620.1900. 1. As used in this section the term "licensing authority" shall
2 **mean any department, division, board, agency, or instrumentality of this state**
3 **that issues a license under sections 209.319 to 209.339, RSMo, sections 256.010**
4 **to 256.453, RSMo, section 375.014, RSMo, and chapters 324 to 340, RSMo, and**
5 **chapters 344 to 346, RSMo. Any board or commission assigned to the division**
6 **of professional registration after the effective date of this section shall be**
7 **included in the definition of a licensing authority.**

8 **2. With regard to any licensee who has been issued a notice under**
9 **section 143.777, RSMo, the licensing authority shall enter a suspension of the**
10 **applicable license on the effective date set out in the notice, unless the**
11 **licensee has presented a tax compliance letter, or has timely filed for review**
12 **in the administrative hearing commission as provided under section 143.778,**
13 **RSMo.**

14 **3. The suspension shall be processed by the licensing authority without**
15 **any additional review or hearing by such licensing authority.**

16 **4. The suspension shall continue until a tax compliance letter is issued**

17 **by the director of the department of revenue.**

18 **5. If a license is suspended under sections 143.775 to 143.779, RSMo,**
19 **any funds paid by the licensee to the licensing authority for costs related to**
20 **issuance, renewal or maintenance of a license shall not be refunded to the**
21 **licensee.**

22 **6. During any period of suspension imposed under sections 143.775 to**
23 **143.779, RSMo, the licensee shall continue to pay all license or license renewal**
24 **fees and obtain all continuing education hours as required by the licensing**
25 **authority's statutes and regulations.**

26 **7. A licensee who continues to engage in the business, occupation,**
27 **profession or other licensed activity while the license is suspended under**
28 **sections 143.775 to 143.779, RSMo, is guilty of a class A misdemeanor. The**
29 **licensing authority may refer the licensee to the appropriate prosecuting or**
30 **circuit attorney or the attorney general for prosecution under this section,**
31 **in addition to any other remedy provided by law for engaging in a licensed**
32 **activity without a license or while a license is suspended.**

33 **8. The licensing authority shall be exempt from liability to the licensee**
34 **for activities conducted under sections 143.775 to 143.779, RSMo, or this**
35 **section.**

36 **9. The licensing authority shall not modify, remand, reverse, vacate or**
37 **stay a suspension; except that, if the director of revenue certifies that an**
38 **error has been made by the department or if an error is made by the licensing**
39 **authority, the licensing authority may expunge the suspension from the**
40 **licensee's permanent record.**

621.045. 1. The administrative hearing commission shall conduct hearings and
2 make findings of fact and conclusions of law in those cases when, under the law, a
3 license issued by any of the following agencies may be revoked or suspended or when the
4 licensee may be placed on probation or when an agency refuses to permit an applicant
5 to be examined upon his qualifications or refuses to issue or renew a license of an
6 applicant who has passed an examination for licensure or who possesses the
7 qualifications for licensure without examination:

8 Missouri State Board of Accountancy

9 Missouri Board [of Registration] for Architects, [Professional] Engineers [and],
10 Land Surveyors **and Landscape Architects**

11 Board of Barber Examiners

12 Board of Cosmetology

13 Board of Chiropody and Podiatry

14 Board of Chiropractic Examiners
15 Missouri Dental Board
16 Board of Embalmers and Funeral Directors
17 Board of Registration for the Healing Arts
18 Board of Nursing
19 Board of Optometry
20 Board of Pharmacy
21 Missouri Real Estate Commission
22 Missouri Veterinary Medical Board
23 Supervisor of Liquor Control
24 Department of Health and Senior Services
25 Department of Insurance
26 Department of Mental Health

27 **Board of Private Investigator Examiners**

28 2. If in the future there are created by law any new or additional administrative
29 agencies which have the power to issue, revoke, suspend, or place on probation any
30 license, then those agencies are under the provisions of this law.

31 3. **The administrative hearing commission is authorized to conduct**
32 **hearings and make findings of fact and conclusions of law in those cases**
33 **brought by the Missouri Board of Registration for Architects, Professional**
34 **Engineers and Land Surveyors against unlicensed persons pursuant to section**
35 **327.076, RSMo.**

36 4. Notwithstanding any other provision of this section to the contrary, after
37 August 28, 1995, in order to encourage settlement of disputes between any agency
38 described in subsection 1 or 2 of this section and its licensees, any such agency shall:

39 (1) Provide the licensee with a written description of the specific conduct for
40 which discipline is sought and a citation to the law and rules allegedly violated, together
41 with copies of any documents which are the basis thereof **and the agency's initial**
42 **settlement offer**, or file a contested case against the licensee[, at least thirty days prior
43 to offering the licensee a settlement proposal, and provide the licensee with an
44 opportunity to respond to the allegations];

45 (2) If no contested case has been filed against the licensee, allow the licensee at
46 least sixty days, from the date of mailing, [during which] to consider the agency's initial
47 settlement offer **to contact the agency** and discuss the terms of such settlement offer
48 [with the agency];

49 (3) If no contested case has been filed against the licensee, advise the licensee

50 that the licensee may, either at the time the settlement agreement is signed by all
51 parties, or within fifteen days thereafter, submit the agreement to the administrative
52 hearing commission for determination that the facts agreed to by the parties to the
53 settlement constitute grounds for denying or disciplining the license of the licensee; and

54 (4) In any contact pursuant to this subsection by the agency or its counsel with
55 a licensee who is not represented by counsel, advise the licensee that the licensee has
56 the right to consult an attorney at the licensee's own expense.

57 [4.] 5. If the licensee desires review by the administrative hearing commission
58 pursuant to subdivision (3) of subsection [3] 4 of this section at any time prior to the
59 settlement becoming final, the licensee may rescind and withdraw from the settlement
60 and any admissions of fact or law in the agreement shall be deemed withdrawn and not
61 admissible for any purposes under the law against the licensee. Any settlement
62 submitted to the administrative hearing commission shall not be effective and final
63 unless and until findings of fact and conclusions of law are entered by the administrative
64 hearing commission that the facts agreed to by the parties to the settlement constitute
65 grounds for denying or disciplining the license of the licensee.

66 [5. As to a matter settled prior to August 28, 1995, by consent agreement or
67 agreed settlement, any party to a consent agreement or agreed settlement, other than
68 a state agency, after having received written notice at their last known address known
69 to the agency from the respective licensing agency of a person's rights under this section,
70 shall have six months to file an action in the circuit court of Cole County contesting the
71 authority of any agency described in subsection 1 of this section to enter into such
72 consent agreement or agreed settlement. Any consent agreement or agreed settlement
73 which is not invalidated by the court pursuant to this subsection shall be given full force
74 and effect by all courts and agencies.]

**Section 1. 1. Beginning August 28, 2008, any sonographer or vascular
2 technologist who, as a Medicaid provider, provides the technical component
3 of a diagnostic ultrasound service shall be credentialed in the appropriate
4 modality by the American Registry for Diagnostic Medical Sonography
5 (ARDMS) or by Cardiovascular Credentialing International (CCI), or shall
6 practice in a laboratory accredited by the American Institute on Ultrasound
7 in Medicine (AIUM), the American Society for the Inter-Societal Accreditation
8 of Vascular Laboratories (ASICAVL), or the Inter-Societal Commission or the
9 Accreditation of Echocardiography Laboratories (ICAEL).**

10 **2. For purposes of this section, "sonographer or vascular technologist"**
11 **means any nonphysician who is qualified by national credentialing to perform**

12 **diagnostic medical ultrasound. A sonographer or vascular technologist may**
13 **also be known as an ultrasound technologist or sonologist.**

14 **3. Any sonographer or vascular technologist who is credentialed as**
15 **required in subsection 1 of this section shall, in performing a diagnostic**
16 **ultrasound, perform the work under the supervision of a physician or surgeon**
17 **licensed under chapter 334, RSMo.**

18 **4. A health care facility or provider wishing to secure coverage and**
19 **payment under the Medicaid program for diagnostic ultrasound services shall**
20 **develop policies and procedures to implement the requirements of this**
21 **section.**

22 **5. This section and policies and procedures adopted under this section**
23 **shall not prohibit any physician or surgeon licensed in this state from**
24 **performing the technical component of a diagnostic ultrasound.**

[324.010. All governmental entities issuing professional licenses,
2 certificates, registrations, or permits pursuant to sections 209.319 to
3 209.339, RSMo, sections 214.270 to 214.516, RSMo, sections 256.010 to
4 256.453, RSMo, section 375.014, RSMo, sections 436.005 to 436.071, RSMo,
5 and chapter 317, RSMo, and chapters 324 to 346, RSMo, shall provide the
6 director of revenue with the name and Social Security number of each
7 applicant for licensure with or licensee of such entities within one month
8 of the date the application is filed or at least one month prior to the
9 anticipated renewal of a licensee's license. If such licensee is delinquent
10 on any state taxes or has failed to file state income tax returns in the last
11 three years, the director shall then send notice to each such entity and
12 licensee. In the case of such delinquency or failure to file, the licensee's
13 license shall be suspended within ninety days after notice of such
14 delinquency or failure to file, unless the director of revenue verifies that
15 such delinquency or failure has been remedied or arrangements have been
16 made to achieve such remedy. The director of revenue shall, within ten
17 business days of notification to the governmental entity issuing the
18 professional license that the delinquency has been remedied or
19 arrangements have been made to remedy such delinquency, send written
20 notification to the licensee that the delinquency has been remedied. Tax
21 liability paid in protest or reasonably founded disputes with such liability
22 shall be considered paid for the purposes of this section.]

[327.111. Any person who practices architecture in Missouri as

2 defined in section 327.091, who is not exempt pursuant to the provisions
3 of section 327.101, or who is not the holder of a currently valid license or
4 certificate of authority to practice architecture in Missouri, or who
5 pretends or attempts to use as such person's own the license or certificate
6 of authority or the seal of another architect or who affixes his or her or
7 another's architect's seal on any plans, specifications, drawings, or reports
8 which have not been prepared by such person or under such person's
9 immediate personal supervision, is guilty of a class A misdemeanor.]

[327.201. Any person who practices professional engineering in
2 Missouri as defined in section 327.181, who is not exempt pursuant to the
3 provisions of section 327.191 and who is not the holder of a currently valid
4 license or certificate of authority to practice professional engineering in
5 Missouri, or who pretends or attempts to use as such person's own the
6 license or certificate of authority or the seal of another professional
7 engineer, or who affixes such person's or another professional engineer's
8 seal on any plans, specifications, drawings or reports which have not been
9 prepared by such person or under such person's immediate personal
10 supervision is guilty of a class A misdemeanor.]

[327.291. Any person who practices as a professional land surveyor
2 in Missouri as defined in section 327.272, who is not a holder of a
3 currently valid license or certificate of authority to practice professional
4 land surveying in Missouri, or who pretends or attempts to use as such
5 person's own the license or certificate of authority or the seal of another
6 professional land surveyor or who affixes such person's or another
7 professional land surveyor's seal on any map, plat, survey or other
8 document which has not been prepared by such person or under such
9 person's immediate personal supervision is guilty of a class A
10 misdemeanor.]

[327.633. Any person violating any of the provisions of sections
2 327.600 to 327.635 is deemed guilty of a class A misdemeanor.]

[328.030. A board of examiners consisting of four members,
2 including one voting public member, shall be appointed by the governor,
3 by and with the advice and consent of the senate. Each member of the
4 board shall be a United States citizen, shall have been a resident of
5 Missouri for one year and, except for the public member, shall have been
6 a registered and practicing barber for the five years immediately preceding

7 his or her initial appointment. The public member shall be a registered
8 voter and a person who is not and never was a member of any profession
9 licensed or regulated pursuant to this chapter or the spouse of such
10 person; and a person who does not have and never has had a material,
11 financial interest in either the providing of the professional services
12 regulated by this chapter, or an activity or organization directly related
13 to any profession licensed or regulated pursuant to this chapter. All
14 members, including public members, shall be chosen from lists submitted
15 by the director of the division of professional registration. The duties of
16 the public member shall not include the determination of the technical
17 requirements to be met for licensure or whether any person meets such
18 technical requirements or of the technical competence or technical
19 judgment of a licensee or a candidate for licensure. Each member shall
20 serve for a term of four years and until his or her successor is appointed
21 and qualified, except that the successors to the members whose terms
22 expire in 1981 shall consist of one member whose term shall be for two
23 years, one member whose term shall be for three years, and one member
24 whose term shall be for four years. Each member shall take the oath
25 provided by law for public officers. Vacancies on the board shall be filled
26 by appointment by the governor.]

[328.040. The board shall annually elect from its number a
2 president, vice president, and secretary-treasurer, shall have its
3 headquarters in Jefferson City, Missouri, may employ such board
4 personnel, as defined in subdivision (4) of subsection 16 of section 620.010,
5 RSMo, as it shall deem necessary within the appropriation therefor. The
6 board shall not create any expense exceeding the sum received from time
7 to time as fees as provided by law, shall have a common seal, and the
8 president and vice president shall have the power to administer oaths. A
9 majority of the board, in meeting duly assembled, may perform the duties
10 and exercise the powers devolving upon the board under the provisions of
11 this chapter.]

[328.050. 1. Each member of the board shall receive as
2 compensation an amount set by the board not to exceed fifty dollars for
3 each day devoted to the affairs of the board, and shall be entitled to
4 reimbursement of his expenses necessarily incurred in the discharge of his
5 official duties. All money payable under this chapter shall be collected by

6 the division of professional registration in the department of economic
7 development which shall transmit them to the department of revenue for
8 deposit in the state treasury to the credit of a "Board of Barbers
9 Fund". Warrants shall be drawn upon the treasurer out of this fund only
10 for the payment of the salaries, office and other necessary expenses of the
11 board. A detailed statement of the expenses incurred by the board,
12 approved by the secretary-treasurer of the board, shall be filed with the
13 commissioner of administration before warrants are drawn for their
14 payment.

15 2. The provisions of section 33.080, RSMo, to the contrary
16 notwithstanding, money in this fund shall not be transferred and placed
17 to the credit of general revenue until the amount in the fund at the end
18 of the biennium exceeds two times the amount of the appropriation from
19 the board's funds for the preceding fiscal year or, if the board requires by
20 rule permit renewal less frequently than yearly, then three times the
21 appropriation from the board's funds for the preceding fiscal year. The
22 amount, if any, in the fund which shall lapse is that amount in the fund
23 which exceeds the appropriate multiple of the appropriations from the
24 board's funds for the preceding fiscal year.]

[328.060. 1. The board shall set the amount of the fees which this
2 chapter authorizes and requires by rules and regulations promulgated
3 pursuant to section 536.021, RSMo. The fees shall be set at a level to
4 produce revenue which shall not substantially exceed the cost and expense
5 of administering this chapter.

6 2. The board shall, with the approval of the department of health
7 and senior services, prescribe such sanitary rules as it may deem
8 necessary to prevent the creation and spread of infectious and contagious
9 diseases. A copy of such rules shall be posted in a conspicuous place in
10 every barber shop and barber school or college in this state.]

[329.170. Nothing in this chapter shall prohibit service in case of
2 emergency or domestic administration, or services by persons authorized
3 under the laws of this state to practice medicine, surgery, dentistry,
4 chiropody, osteopathy, chiropractic nursing or services by barbers lawfully
5 engaged in the performance of the usual and ordinary duties of their
6 vocation.]

[329.180. There is hereby created and established a "State Board

2 of Cosmetology" for the purpose of licensing all persons engaged in the
3 practice of hair dressing, cosmetology and manicuring in this state. The
4 board shall have control and supervision of the licensed occupations, and
5 enforcement of the terms and provisions of this chapter.]

[329.190. 1. The state board of cosmetology shall be composed of
2 seven members, including one voting public member and one member who
3 is a licensed school owner pursuant to subsection 1 of section 329.040,
4 appointed by the governor with the advice and consent of the senate. The
5 term of office of each member shall be four years.

6 2. The members of the board shall receive as compensation for
7 their services the sum set by the board not to exceed fifty dollars for each
8 day actually spent in attendance at meetings of the board, within the
9 state, not to exceed forty-eight days in any calendar year, and in addition
10 thereto they shall be reimbursed for all necessary expenses incurred in the
11 performance of their duties as members of the board.

12 3. All members, except the public member, shall be cosmetologists
13 and manicurists duly registered as such and licensed pursuant to the laws
14 of this state, and shall be United States citizens and shall have been
15 residents of this state for at least one year next preceding their
16 appointments and shall have been actively engaged in the lawful practice
17 of cosmetology for a period of at least five years. The public member shall
18 be at the time of the person's appointment a citizen of the United States;
19 a resident of this state for a period of one year and a registered voter; a
20 person who is not and never was a member of any profession licensed or
21 regulated pursuant to this chapter or the spouse of such person; and a
22 person who does not have and never has had a material, financial interest
23 in either the providing of the professional services regulated by this
24 chapter, or an activity or organization directly related to any profession
25 licensed or regulated pursuant to this chapter. All members, including
26 public members, shall be chosen from lists submitted by the director of the
27 division of professional registration. The duties of the public member
28 shall not include the determination of the technical requirements to be
29 met for licensure or whether any person meets such technical
30 requirements or of the technical competence or technical judgment of a
31 licensee or a candidate for licensure. Any member who is a school owner
32 shall not be allowed access to the testing and examination materials nor

33 to attend the administration of the examinations, except when such
34 member is being examined for licensure.]

[329.191. Notwithstanding the provisions of section 329.190, to the
2 contrary, compensation of the state board of cosmetology shall not exceed
3 seventy dollars for each day actually spent in attendance at meetings plus
4 actual and necessary expenses.]

[329.200. The governor shall, by and with the advice and consent
2 of the senate, fill any vacancies caused by the expiration of the term of
3 office of any member of the board, and the governor shall also fill any
4 vacancy caused by death, resignation or removal which may occur when
5 the general assembly is not in session, but all such appointees shall
6 continue in office only until the meeting of the general assembly next
7 following such appointment and until their successors shall be appointed
8 and qualified. All vacancies which may exist at or during the meeting of
9 the general assembly caused by death, resignation or removal shall be
10 filled in like manner as those created by the expiration of official terms
11 and shall be only for the unexpired term of the person whose vacancy is
12 to be filled.]

[329.210. 1. The board shall have power to:

2 (1) Prescribe by rule for the examinations of applicants for
3 licensure to practice the classified occupation of cosmetology and issue
4 licenses;

5 (2) Prescribe by rule for the inspection of cosmetology
6 establishments and schools and appoint the necessary inspectors and
7 examining assistants;

8 (3) Prescribe by rule for the inspection of establishments and
9 schools of cosmetology as to their sanitary conditions and to appoint the
10 necessary inspectors and, if necessary, examining assistants; and set the
11 amount of the fees which this chapter authorizes and requires, by rules
12 and regulations promulgated pursuant to section 536.021, RSMo. The fees
13 shall be set at a level sufficient to produce revenue which shall not
14 substantially exceed the cost and expense of administering this chapter;

15 (4) Employ and remove board personnel, as defined in subdivision
16 (4) of subsection 15 of section 620.010, RSMo, as may be necessary for the
17 efficient operation of the board, within the limitations of its appropriation;

18 (5) Elect one of its members president, one vice president and one

19 secretary;

20 (6) Determine the sufficiency of the qualifications of applicants;
21 and

22 (7) Prescribe by rule the minimum standards and methods of
23 accountability for the schools of cosmetology licensed pursuant to this
24 chapter.

25 2. The board shall create no expense exceeding the sum received
26 from time to time from fees imposed pursuant to this chapter.

27 3. Any rule or portion of a rule, as that term is defined in section
28 536.010, RSMo, that is created under the authority delegated in this
29 chapter shall become effective only if it complies with and is subject to all
30 of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
31 RSMo. This section and chapter 536, RSMo, are nonseverable and if any
32 of the powers vested with the general assembly pursuant to chapter 536,
33 RSMo, to review, to delay the effective date or to disapprove and annul a
34 rule are subsequently held unconstitutional, then the grant of rulemaking
35 authority and any rule proposed or adopted after August 28, 2001, shall
36 be invalid and void.]

[329.220. At all meetings of the board two members shall be
2 necessary to constitute a quorum for the transaction of business but no
3 official action may be taken unless a majority of the whole board may vote
4 therefor.]

[329.230. The board shall elect one of its members president, one
2 vice president and one secretary, and shall have power to employ and
3 remove such board personnel, as defined in subdivision (4) of subsection
4 16 of section 620.010, RSMo, as may be necessary for the efficient
5 operation of the board, within the limitations of its appropriation, and to
6 formulate rules and regulations governing its actions; provided, however,
7 the board shall create no expense exceeding the sum received from time
8 to time as fees as provided by law.]

[329.240. 1. All fees provided for in this chapter shall be payable
2 to the director of the division of professional registration in the
3 department of economic development who shall keep a record of the
4 account showing the total payments received and shall immediately
5 thereafter transmit them to the department of revenue for deposit in the
6 state treasury to the credit of a fund to be known as the "State Board of

7 Cosmetology Fund". All the salaries and expenses for the operation of the
8 board shall be appropriated and paid from such fund.

9 2. The provisions of section 33.080, RSMo, to the contrary
10 notwithstanding, money in this fund shall not be transferred and placed
11 to the credit of general revenue until the amount in the fund at the end
12 of the biennium exceeds two times the amount of the appropriation from
13 the board's funds for the preceding fiscal year or, if the board requires by
14 rule permit renewal less frequently than yearly, then three times the
15 appropriation from the board's funds for the preceding fiscal year. The
16 amount, if any, in the fund which shall lapse is that amount in the fund
17 which exceeds the appropriate multiple of the appropriations from the
18 board's funds for the preceding fiscal year.]

 [329.250. Any person who shall act in any capacity other than by
2 demonstration to or before licensed cosmetologists, or maintain any
3 business wherein a license is required pursuant to this chapter, without
4 having such license, or any person who violates any provision of this
5 chapter is guilty of a class C misdemeanor.]

 [329.260. Any person holding a valid license, certificate, permit, or
2 other authority, regulated or granted pursuant to sections 329.010 to
3 329.250 on August 28, 1995, shall be recognized by the board and shall be
4 entitled to retain any existing status, so long as the person complies with
5 the provisions of sections 329.010 to 329.260 and any rules promulgated
6 pursuant thereto. Such recognition shall be as follows:

7 (1) All persons previously licensed as Class A shall be recognized
8 as Class CH;

9 (2) All persons previously licensed as Class B shall be recognized
10 as Class MO;

11 (3) All persons previously licensed as Class A and Class B shall be
12 recognized as Class CA.]

 [337.535. 1. There is hereby established the "Committee for
2 Professional Counselors" which shall guide, advise, and make
3 recommendations to the division and fulfill other responsibilities
4 designated by this chapter. The committee shall approve the examination
5 required by section 337.510 and shall assist the division in carrying out
6 the provisions of sections 337.500 to 337.540.

7 2. The committee shall consist of six members, including one public

8 member, appointed by the governor with the advice and consent of the
9 senate. Each member of the committee shall be a citizen of the United
10 States and a resident of this state and, except as provided hereinafter,
11 shall be licensed as a professional counselor by this state. Beginning with
12 the appointments made after August 28, 1992, two members shall be
13 appointed for four years, two members shall be appointed for three years
14 and two members shall be appointed for two years. Thereafter, all
15 members shall be appointed to serve four-year terms. No person shall be
16 eligible for reappointment who has served as a member of the committee
17 for a total of eight years. The membership of the committee shall reflect
18 the differences in levels of education and work experience with
19 consideration being given to race, gender and ethnic origins. Not more
20 than two counselor educators shall be members of the committee at the
21 same time. The president of the American Counseling Association of
22 Missouri in office at the time shall, at least ninety days prior to the
23 expiration of the term of the committee member, other than the public
24 member, or as soon as feasible after the vacancy on the committee
25 otherwise occurs, submit to the director of the division of professional
26 registration a list of five professional counselors qualified and willing to
27 fill the vacancy in question, with the request and recommendation that the
28 governor appoint one of the five persons so listed, and with the list so
29 submitted, the president of the American Counseling Association of
30 Missouri shall include in his or her letter of transmittal a description of
31 the method by which the names were chosen by that association.

32 3. A vacancy in the office of a member shall be filled by
33 appointment by the governor for the remainder of the unexpired term.

34 4. Each member of the committee shall receive as compensation,
35 an amount set by the committee not to exceed fifty dollars for each day
36 devoted to the affairs of the committee, and shall be reimbursed for
37 necessary and actual expenses incurred in the performance of his or her
38 official duties. All staff for the committee shall be provided by the
39 division.

40 5. The committee shall hold an annual meeting at which it shall
41 elect from its membership a chairperson and secretary. The committee
42 may hold such additional meetings as may be required in the performance
43 of its duties, provided that notice of every meeting must be given to each

44 member at least three days prior to the date of the meeting. A quorum of
45 the committee shall consist of a majority of its members.

46 6. The governor may remove a committee member for misconduct,
47 incompetency or neglect of his or her official duties after giving the
48 committee member written notice of the charges against the committee
49 member and an opportunity to be heard thereon.

50 7. The public member shall be at the time of his or her
51 appointment a citizen of the United States; a resident of this state for a
52 period of one year and a registered voter; a person who is not and never
53 was a member of any profession licensed or regulated pursuant to sections
54 337.500 to 337.540 or the spouse of such person; and a person who does
55 not have and never has had a material, financial interest in either the
56 providing of the professional services regulated by sections 337.500 to
57 337.540, or an activity or organization directly related to any profession
58 licensed or regulated pursuant to sections 337.500 to 337.540. The duties
59 of the public member shall not include the determination of the technical
60 requirements to be met for licensure or whether any person meets such
61 technical requirements or of the technical competence or technical
62 judgment of a licensee or a candidate for licensure.]

[337.739. 1. There is created and established the "State
2 Committee of Marital and Family Therapists" which shall consist of four
3 family and marital therapists and two voting public members. The
4 committee shall be appointed by the governor with the advice and consent
5 of the senate. Committee members shall serve for a term of five years,
6 except for the members first appointed, one public member and one other
7 member shall be appointed for five years, two members shall be appointed
8 for four years, the other public member and one other member appointed
9 for three years. No person shall be eligible for appointment to the
10 committee who has served as a member of the committee for a total of ten
11 years. Members shall be appointed to represent a diversity in gender, race
12 and ethnicity. No more than three members shall be from the same
13 political party.

14 2. Each nonpublic committee member shall be a resident of the
15 state of Missouri for one year, shall be a United States citizen, and shall
16 meet all the requirements for licensing enumerated in sections 337.700 to
17 337.739, shall be licensed pursuant to sections 337.700 to 337.739, except

18 the members of the first committee, who shall be licensed within six
19 months of their appointment, and are actively engaged in the practice of
20 marital and family therapy. If a member of the committee shall, during
21 the member's term as a committee member, remove the member's domicile
22 from the state of Missouri, then the committee shall immediately notify
23 the governor, and the seat of that committee member shall be declared
24 vacant. All such vacancies shall be filled by appointment as in the same
25 manner as the first appointment, and the member so appointed shall serve
26 for the unexpired term of the member whose seat has been declared
27 vacant. The public members shall be at the time of each member's
28 appointment a citizen of the United States; a resident of this state for a
29 period of one year and a registered voter; a person who is not and never
30 was a member of any profession licensed or regulated pursuant to this
31 chapter or the spouse of such person; a person who does not have and
32 never has had a material, financial interest in either the provision of the
33 professional services regulated by this chapter, or an activity or
34 organization directly related to any profession licensed or regulated
35 pursuant to this chapter.

36 3. The committee shall hold a regular annual meeting at which it
37 shall select from among its members a chairman and a secretary. A
38 quorum of the committee shall consist of a majority of its members. In the
39 absence of the chairman, the secretary shall conduct the office of the
40 chairman.

41 4. No member of the committee shall receive any compensation for
42 the performance of the member's official duties but shall be entitled to
43 reimbursement for necessary and actual expenses incurred in the
44 performance of the member's duties. The committee shall share resources
45 and facilities with the office for the committee for professional counselors
46 provided for in sections 337.500 to 337.540. All staff for the committee
47 shall be provided by the director of the division of professional
48 registration.

49 5. The governor may remove any member of the committee for
50 misconduct, inefficiency, incompetency or neglect of office.]

Section B. The enactment of sections 328.015, 329.015, 329.023, 329.025, and
2 329.028, and the repeal and reenactment of sections 328.010, and 329.010, and the
3 repeal of sections 328.030, 328.040, 328.050, 328.060, 329.180, 329.190, 329.191, 329.200,

4 329.210, 329.220, 329.230, and 329.240 of section A of this act shall be effective at such
5 time as the governor appoints the members of the board of cosmetology and barber
6 examiners and such appointments are confirmed by the senate, or on July 1, 2006,
7 whichever occurs sooner. The director of the division of professional registration shall
8 notify the revisor of statutes of the occurrence of the appointment and confirmation of
9 the board of cosmetology and barber examiners.

✓